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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO. 1212 OF 2018

Ramniranjan A. Jaiswar

.....Petitioner

V/s.

The State of Maharashtra

.....Respondent

Mr. Jilajit Sharma for the petitioner.

Mr. P. H. Gaikwad APP for the State.

CORAM : NITIN W. SAMBRE, J.

DATE : APRIL 4, 2018.

P.C.

On 28/08/2017, Additional Chief Metropolitan Magistrate, Dadar in C.C. No. 83/SW/2012 rejected 'C' summary and sent the matter for further investigation pursuant to the order passed by the same Court on 07/08/2012 having regard to the reference to section 156 (3) of the Code of Criminal Procedure, 1973. Directions were issued that the investigation be carried out by the superior officer than that of designation of the accused person i.e. Senior Police Inspector.

2 This order was questioned by the petitioner/complainant before the Sessions Judge under section 397 of the Code of Criminal Procedure, 1973. It was rejected on 30/01/2018 as barred by limitation. As such, this petition.

3 The revision preferred by the present petitioner was delayed by 31 days. He has tried to justify the said delay by citing certain reasons which have not appealed to the learned Sessions Judge.

4 The learned APP, while supporting the order impugned, submits that the order passed by the learned Sessions Judge is well reasoned order. According to him, present petition deserves dismissal.

5 Perused the application moved before the learned Sessions Judge in support of cause of condonation of delay. It could be gathered therefrom that one of the offshoot was pending before this Court. Be that as it may, the delay need not be explained on day to

day basis. Perusal of the application depicts that the delay of 31 days was properly explained.

6 In view thereof, order impugned dated 30/01/2018 passed by the learned Sessions Judge, Greater Mumbai on Misc. Application No. 103 of 2018 is hereby quashed and set aside. It is ordered that application for delay of 31 days is hereby condoned. Let the Revisional Court decide Revision of the applicant on its own merit.

7 Petition stands allowed in the above terms.

[NITIN W. SAMBRE, J.]