

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

CRIMINAL APPLICATION No. 1079 OF 2017

Shekhar Narayan Ramchandran and Anr. ...Applicants
Vs.
Zakir Rahimuddin @ Pirmohammed Sodawala and Anr. ...Respondents

**WITH
CRIMINAL APPLICATION No. 1080 OF 2017**

Narayan Ramchandran ...Applicant
Vs.
Zakir Rahimuddin @ Pirmohammed Sodawala and Anr. ...Respondents

Mr. Ganesh S. Vaidya for Applicants
Mr. Vijay Kumar V. Mane for Respondent No.1
Mr. Y.Y. Dabke -APP for the State

CORAM : NITIN W. SAMBRE, J.
DATE: MARCH 7, 2018

P.C.

1. The process issued by the Learned Magistrate was questioned in the revision which was delayed by 40 days. By the impugned order, the Learned Revisional Court refused to condone the delay, as such this proceeding.
2. The Applicants -Accused have tried to substantiate their claim by relying upon the cause viz. his ailment and communication gap between the lawyer and

them.

3. On the contrary, the learned APP for the State submits that the delay is not properly explained. According to him, the reasons substantiating the delay could be ex-facie, illegal and incorrect and he sought for dismissal of the application.

4. Having considered the rival submissions and cause cited in support of the prayer for condonation of delay, it would be appropriate, in my opinion, to quash and set aside the impugned order dated June 15, 2017 passed by the Sessions Court refusing to condone the delay subject to a condition that the Applicants herein shall deposit the costs of Rs.5,000/- each before the Revisional Court. The Non-Applicant shall be entitled to withdraw the said amount.

5. Delay of 40 days caused in preferring the revision before the Revisional Court stands condoned subject to the aforesaid condition. If the costs as ordered, are not deposited then it will be presumed that the present Application are dismissed.

[NITIN W. SAMBRE, J.]