

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

**CRIMINAL WRIT PETITION NO.5026 OF 2018
WITH
CRIMINAL WRIT PETITION NO.5027 OF 2018
WITH
CRIMINAL WRIT PETITION NO.5028 OF 2018
WITH
CRIMINAL WRIT PETITION NO.5029 OF 2018**

G. Prabhakar S/o. Gangappa	]	Petitioner
Vs.		
State of Maharashtra and others.	]	Respondents
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Mr. Nilabh Toshnival i/b Ashish Pawar, for the Petitioner.

Mrs. Veera Shinde A.P.P for the Respondent No.1- State.

Mr. Mayur V. Faria, for Respondent No.2.

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CORAM : REVATI MOHITE DERE, J.

DATE : 2nd DECEMBER, 2019.

P.C. :

Heard learned Counsel for the parties in the aforesaid
Petitions.

2. By these Petitions, the petitioner has impugned the
order dated 28th August, 2018 passed by the learned Sessions
Judge, Ichalkaranji below Criminal Misc. Applications No.40 of

2017, 41 of 2017, 42 of 2017 and 43 of 2017, by which the learned Sessions Judge rejected the petitioner's applications seeking condonation of delay of 18 days caused in filing the Revision Applications.

3. Learned Counsel for the petitioner submits that the learned Judge ought to have condoned delay of 18 days caused in filing the four revision applications, challenging the order of issue process dated 7th April, 2017. He submits that the petitioner had shown sufficient cause for filing the revision applications belatedly. Learned Counsel relied on the Criminal Misc. applications filed by the petitioner for condoning delay of 18 days caused in filing the revision applications.

4. Learned Counsel for the respondent No.2 opposes the Petitions and submits that no interference is warranted in the impugned orders.

5. Perused the papers. The respondent No.2/original complainant has filed complaints alleging offences punishable under section 138 r/w 141 of the Negotiable Instruments Act. The said complaints are numbered as Summary Criminal Case No.357

of 2017, 358 of 2017 and 359 of 2017. It appears that summons was attempted to be served on the petitioner but the same returned unserved with the remark “Refused, Return to sender’. Thereafter, the petitioner filed four revision applications on 30th November, 2017 before the learned Sessions Judge, Ichalkaranji along with applications for condonation of delay of 18 days. The said applications seeking condonation of delay were rejected by the learned Sessions Judge vide order dated 28th August, 2018. A perusal of all the applications filed by the petitioner for condoning delay in filing the revision applications shows that the petitioner had set out in paragraphs 3 and 4, the reasons for filing the revision applications belatedly i.e after a period of limitation is over. Delay in each of the four cases is, 18 days. The petitioner had shown sufficient cause for condoning the said delay and the learned Sessions Judge ought to have allowed the said applications and condoned the delay of 18 days caused in filing the revision applications, in the interest of justice.

6. Accordingly, all the aforesaid Writ Petitions are allowed and the impugned orders dated 28th August, 2018 passed by the learned Sessions Judge below Criminal Misc. Applications No.40 of 2017, 41 of 2017, 42 of 2017 and 43 of 2017 in the

respective revision applications are quashed and set aside and delay of 18 days caused in filing the said revision applications is condoned. Registry in the Sessions Court to number the revision applications after which the learned Sessions Judge to decide the same on its own merits and in accordance with law.

7. The Petitions are allowed and disposed of in the aforesaid terms.

8. All the concerned to act on the authenticated copy of this order.

[REVATI MOHITE DERE, J.]