

Vidya Amin.

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

**CRIMINAL WRIT PETITION No. 214 OF 2019
WITH
CRIMINAL WRIT PETITION No. 215 OF 2019**

Paresh VasANJI Shah ... Petitioner
VS.
The State of Maharashtra & Anr. ... Respondents

Mr. Prashant Parsurampur, Advocate for the petitioner.
Mrs. Veera Shinde, APP for the respondent/State.

**CORAM: Mrs.MRIDULA BHATKAR, J.
DATED: 18th March, 2019**

P.C. :

Upon urgent mentioning, taken on production board.

2. In both these Writ Petitions, the petitioner/accused is facing prosecution under sections 420, 465, 467, 468, 471, 477-A, 120B of Indian Penal Code.

3. The learned counsel for the petitioner files the affidavit of service. The learned counsel for the petitioner submitted that the Application for discharge filed by the petitioner was rejected by the learned Additional Chief Metropolitan Magistrate, 38th Court, Ballard Pier, Mumbai on 15th February, 2018. Thereafter, he

referred Revision Application before the Sessions Court and there were delay of approximately 99 days. The said Application for condonation of delay was rejected, so his Revision Application were also rejected. The learned counsel for the petitioner submitted that the petitioner could not move an Application in time because he was suffering from asthmatic bronchitis. He submitted that his contention was supported by the medical certificates and therefore, delay should have been condoned.

4. Learned APP submitted to the order of the Court.
5. Perused the impugned order. The applicant/accused should have filed his Application for discharge on or before 14th May, 2018, however, as stated by the learned Judge, the applicant has not given any reason why he did not file the Application for discharge. However, in all fairness, the delay is condoned on condition that the applicant/accused shall deposit Rs.5,000/- each, i.e. total Rs.10,000/- in the account of Manodhariya Scheme in Maharashtra State Legal Service Authority, High Court, Mumbai on or before 20th March, 2019. The Revision Applications are restored to the file of the learned Sessions Judge. The learned

Sessions Judge is directed to decide the Revision Applications till
2nd May, 2019.

6. Both the Writ Petitions are disposed of accordingly.

(MRIDULA BHATKAR, J.)