

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

**CRIMINAL APPLICATION NO. 162 OF 2017  
IN  
CRIMINAL REVISION APPLICATION ST. NO. 169 OF 2017**

Mr.Jagjeet Singh Mohinder Singh Garcha ...Applicant

Versus

Mr.Romiel Nicil Samuel & Anr. ...Respondents

.....

Mr.Jaswant Singh for the Applicant.

Mr.Manish Bohra I/b. A.S.Khan & Associates for Respondent No.1.

Mrs. Veera Shinde, APP for Respondent No.2-State.

.....

**CORAM: MRS.MRIDULA BHATKAR, J.  
DATED : 16 JANUARY 2019**

**P.C.:**

1. In this Revision Application, the order dated 18<sup>th</sup> July, 2016 passed by the learned Addl. Sessions Judge, Gr. Bombay, dismissing Criminal Appeal No. 442 of 2014 is challenged. By an order dated 26<sup>th</sup> July, 2013, the learned Addl. Chief Metropolitan Magistrate, 9<sup>th</sup> Court, Bandra, Mumbai acquitted the accused from the charge under section 420 of the Indian Penal Code.

2. The learned counsel for the applicant submits that he himself has filed this Application for condonation of delay along with verification of Mr.Jagjeet Singh Mohinder Singh i.e., the present applicant. He further submits that there is a delay of 69 days in filing this Revision

Application. He further submits that the applicant was under dilemma to proceed with the lodging of fresh complaint with the police or filing of the Revision Application before this Court. He further submits that at present, the applicant is staying at USA and, therefore, the Revision Application could not be filed within time.

3. The learned counsel for respondent No.1/original accused opposes this Application on the ground that sufficient reason is not made out.

4. Considered submissions. In view of the reasons mentioned in the Application, the delay of 69 days is condoned, subject to payment of costs of Rs. 5,000/-. This amount to be paid to Legal Aid for Manodhairya Scheme on or before 31<sup>st</sup> January, 2019.

5. Criminal Application is allowed and accordingly disposed of.

6. List the Revision Application on 27<sup>th</sup> March, 2019.

**(MRIDULA BHATKAR, J.)**