

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 457 OF 2019
IN
CRIMINAL REVISION APPLICATION ST. NO. 480 OF 2019**

Mr. Pradeep Narhari Pisat. ..Applicant.

v/s.

Mrs. Nayana Pradeep Pisat & ors. ..Respondents.

Mr. Prosper D'Souza, advocate for applicant.

Mr. Yash Kapadia i/b. Mr. Mohd. Zain Khan, advocate for respondent No. 1.

Mr. N.B. Patil, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J.

DATE : MARCH 6, 2020.

P. C. :

1 Learned Counsel appointed for the applicant submits that earlier another advocate was appointed by legal aid to espouse the cause of the applicant. He submits that there is delay of 5 years 160 days in filing the revision application. Because earlier application was being represented by an advocate through legal aid, the said advocate had misplaced the file and therefore, the applicant did not have a copy of the complaint which the respondent has filed before the Judicial Magistrate under the provisions of Protection of Women from Domestic

Talwalkar

Violence Act, 2005. The learned Counsel for the respondent also does not have copy of the same. The report of the District Court at Alibag has also revealed that the applicant herein had applied before the District Court, Raigad, Alibag seeking copies of the papers filed by the respondent. Learned Judge has reported that the said file has been destroyed as per rules. In view of this, there is a delay of more than 5 years in filing the application. However, in the interest of justice, the delay deserves to be condoned. Hence, the application is allowed and disposed of accordingly.

2 The learned Counsel for the respondent fairly submits that he would give copies of the application and other documents to the learned counsel appointed for the applicant.

3 Revision Application be listed on 27/3/2020.

[SMT. SADHANA S. JADHAV, J.]