

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

CRIMINAL WRIT PETITION NO.1122 OF 2020

Nayan Mannathzathu Nambiar	...Petitioner
V/s.	
The State of Maharashtra & Anr.	...Respondents

Mr. S. D. Nangre, Advocate for Petitioner.
Smt. Rutuja Ambekar, APP for Respondent No.1 (State).
Mr. R. V. Pillai i/b R. K. Associates for Respondent No.2.

**CORAM : A. S. GADKARI, J.
DATE : 31st MARCH, 2021.**

P.C.:

1. By the impugned Order dated 2nd January 2020, the Miscellaneous Application No.479 of 2019 filed by the Petitioner (Original Accused No.3) for condonation of delay of 127 days in preferring a substantive revision against the Order of issuance of process dated 7th February 2014, has been rejected.
2. Record indicates that, with similar contentions, the Application for condonation of delay of 127 days, preferred by other two accused namely Mr. Avinash M. Arondekar (Accused No.2) and Mr. Sundar Shyam Dua (Accused No.8) in C.C. No.1199/SS/2013 pending on the file of Metropolitan Magistrate 33rd Court, at Ballard Pier Mumbai, was allowed by the Revisional Court. It is the contention of learned counsel for

Petitioner that, the Revisional Court has erroneously mentioned delay of 1749 days in the impugned Order.

3. Learned counsel appearing for the Respondent No.2 has no serious objection in condoning the delay in filing revision, by the Petitioner.

4. In view of the above, the delay occurred in filing substantive revision arising out of Order dated 7th February 2014, passed below Exh.-1 in C.C. No.1199/SS/2013 is condoned.

Miscellaneous Application No.479 of 2019 filed by the Petitioner Mr. Narayan Nambiar is allowed and Order dated 2nd January 2020, passed in Miscellaneous Application No.479 of 2019 is set aside and the said Application for condonation of delay is allowed.

5. Petition is allowed in the aforesaid terms.

(A. S. GADKARI, J.)