

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH, NAGPUR.**

**CRIMINAL APPLICATION (APPR) NO.39/2021**

Suresh s/o Vithhalrao Fule,

**-VERSUS-**

State of Maharashtra through P.S.O. P.S. Wadi, Distt. Nagpur.

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Office notes, Office Memoranda of  
Coram, appearances, Court's orders  
or directions and Registrar's orders.

Court's or Judge's Orders

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Shri A.S. Dehspande, Advocate for applicant,  
Ms S.S. Jachak, A.P.P. for respondent/State.

**CORAM : VINAY JOSHI, J.**

**DATE : APRIL 07, 2021.**

Hearing was conducted through Video Conferencing.

This is an application under Section 5 of the Limitation Act, seeking for condonation of delay of 228 days caused in filing Criminal Revision Application challenging the order of rejection of discharge application dated 16/03/2020. The applicant would submit that due to outbreak of Novel Corona Virus, he was not able to take expeditious steps to challenge the impugned order. It is also stated that due to lock-down, the applicant was unable to take legal advice and to take steps to challenge the impugned order.

The State resisted this application by submitting that the applicant could have filed revision at the earliest. One cannot presume that applicant has intentionally caused delay since it would be at his peril. No one can deny that the globe is facing

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Pandemic situation since last one year. Having regard to the reasons stated in the application, the same is allowed and delay is condoned. The Revision Application be registered as accordingly.

Criminal Application stands disposed of.

**CRIMINAL REVISION APPLICATION NO. \_\_\_\_/2021**

Issue notice to the non-applicant, returnable after four weeks.

Learned Additional Public Prosecutor waives service of notice to the non-applicant/State.

**JUDGE**

R.S. Sahare