

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

CRIMINAL REVISION APPLICATION NO. 29 OF 2020

(Sanjay Omprakash Varma ..vs.. Rekha Chandmal Varma and another)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S.V. Sirpurkar, Counsel for the applicant,
None for non-applicant 1,
Mr. M.K. Pathan, Addl.P.P. for non-applicant 2/State.

CORAM : ROHIT B. DEO, J.

DATED : 01-10-2021

The applicant is aggrieved by the order dated 05-9-2019 rendered by the learned Principal Sessions Judge, Buldhana in Miscellaneous Criminal Application 8/2018 whereby delay of 1481 days in preferring revision against the order of issuance of process, is condoned.

2. Having heard the learned Counsel for the applicant at length, I see no reason to interfere with the discretion exercised.

3. It would be necessary to briefly note the circumstances in which the delay was caused. Initially the order of issuance of process was challenged by preferring Criminal Writ Petition 583/2015 in this Court. This Court stayed the order of issuance of process. Ultimately, Criminal Writ Petition 583/2015 was disposed of on 03-10-2017 on the ground that there is an

alternate remedy under Section 397 of the Criminal Procedure Code. The accused was granted liberty to approach the revisional Court. It appears that there was some typographical error in the said order, which was corrected by this Court vide order dated 20-12-2017. The accused applied for certified copy on 22-12-2017 which was received on 03-1-2018 by the counsel and delivered to the accused on 10-1-2018. The revision is preferred alongwith an application seeking condonation of delay on 22-1-2018. I am satisfied that there was sufficient cause to condone the delay since the accused was pursuing a wrong remedy and this Court granted the accused liberty to approach the revisional Court.

4. No case is made out for interfering in the discretionary order.

5. The criminal revision application is dismissed.

JUDGE

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