

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

CRIMINAL APPLICATION (APPR) NO.39/2020
IN
CRIMINAL REVISION APPLICATION NO...../2021
Nitesh Kawaduji Meshram
..VS..
Diksha w/o Nitesh Meshram

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

Court's or Judge's Order

Ms K.M.Joshi, Counsel for the applicant.
Ms S.H.Bhatia, Counsel for the non-applicant (appointed).

CORAM : V.M.DESHPANDE J.
DATED : JANUARY 25, 2021.

1. This is an application for condonation of delay in filing a criminal revision application.
2. Heard learned counsel Ms K.M.Joshi for the applicant and learned counsel Ms S.H.Bhatia appointed for the non-applicant.
3. The applicant intends to file a criminal revision before this Court challenging judgment and order dated 23.9.2019 passed by learned 9th Additional Sessions Judge, Nagpur in Criminal Appeal No.322/2018. The said appeal was filed by the applicant under Section 29 of the Protection of Women From Domestic Violence Act, 2005.
4. The revision is barred by 52 days and, therefore, this application is moved. The said application is filed on affidavit. Though the non-applicant is served long back, till today reply to this application is not filed.
5. Learned counsel Ms S.H.Bhatia appointed for the

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non-applicant submitted that the applicant being a police constable ought to have more vigilant and diligent while approaching to this Court and she submitted that the application be rejected.

6. On oath it is stated that by the applicant that the applicant is discharging his duties as police constable at Umred Police Station. However, he could not leave Umred because of fact that he was not granted leave.

7. After hearing learned counsel for parties and after having gone through uncontroverted facts made on oath, this application needs to be allowed. Hence, I pass following order:

ORDER

- (1) The criminal application is allowed.
- (2) Delay of 52 days in filing criminal revision application is hereby condoned.
- (3) Office is directed to register the criminal revision.
- (4) Learned counsel Ms S.H.Bhatia appointed for the non-applicant, is entitled to receive Rs.500/- towards her professional charges.

The criminal application stands disposed of accordingly.

JUDGE

!! BRW !!

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