

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APPR) NO.104 OF 2020
IN
CRIMINAL REVISION APPLICATION NO. 103 OF 2020

Suresh Tukaram Telang
..vs..
Dhiraj Gopichand Gedam and anr.

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

Court's or Judge's orders

Shri U.P. Dable, Advocate for Applicant.
Mrs. S.S. Jachak, A.P.P. for Non-applicant no.2/State.

CORAM : VINAY JOSHI, J.
DATED : 05/04/2021

Hearing was conducted through Video
Conferencing.

2. None present for Non-applicant no.1.

Heard learned Advocate Shri U.P. Dable for
Applicant and learned A.P.P. for Non-applicant no.2.

3. This is an application under Section 5 of the Limitation Act for condonation of delay of 296 days caused in filing revision application challenging the order dated 06.05.2019 passed by learned Additional Sessions Judge, Nagpur in Criminal Revision Application No.146 of 2019. The Applicant (proposed accused) contended that after registration of crime, he came to know about the impugned order and thereafter, he consumed some time for making efforts to secure pre-arrest bail. Particularly, it is contended that due to COVID-19 pandemic situation, he was unable to file revision application and therefore, prayed for condonation of delay. Though none present for

Non-applicant no.1, however reply has been filed on record. Non-applicant no.1 has resisted the revision application by doubting the cause canvassed for condonation of delay.

4. Initially, Non-applicant No.1 Dhiraj Gedam (original complainant) has filed a private complaint against the present Applicant in which he sought direction for investigation in terms of Section 156(3) of the Code of Criminal Procedure. Learned Magistrate was pleased to dismissed the application. Being aggrieved, Non-applicant No.1 (original complainant) preferred a revision application which came to be allowed. Learned Additional Sessions Judge has directed to the concerned Police to register First Information Report and to investigate the matter. Learned Advocate Shri Dable for the applicant would submit that the Additional Sessions Judge has neither issued notice to the Applicant (proposed accused) nor gave right of hearing before passing the adverse order. Certainly, this aspect touches the merits of this revision application which would be dealt with at appropriate stage.

5. There is no dispute that due to COVID-19 pandemic situation, life of human being has been greatly disturbed. One cannot presume that the applicant was negligent or he has deliberately caused delay since, it would be at his prejudice. If delay is condoned, at the most it will happen that matter will be decided on its own merit.

6. Having regard to the pandemic situation and for

advancing the cause of justice, delay caused in filing revision application stands condoned. Application stands disposed of accordingly.

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Issue fresh notice to the Non-applicants, returnable on 30.04.2021.

2. Learned A.P.P. waives notice on behalf of Non-applicant no. 2.

JUDGE

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