

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

CRIMINAL APPLICATION (APPR) NO.126/2021
IN
CRIMINAL REVISION APPLICATION ST.NO.6422/2021
Afsha Irshad Khan and anr
..vs..
Irshad s/o Akil Ahmad Khan and ors

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

Court's or Judge's Order

.....
Shri Abdul Subhan, Counsel for Applicants.
Shri S.S.Baggha, Adv. h/f Shri Amit Khare, Counsel for NA
Nos.1 to 4.

CORAM : V.M.DESHPANDE, J.
DATED : DECEMBER 06, 2021.

1. Heard.
2. This is an application for condonation of delay in filing a criminal revision application.
3. Learned counsel Shri Abdul Subhan, appears for applicants, who are, wife and a minor son of non-applicant No.1 Irshad.
4. Two criminal appeals arose from proceedings filed by applicant. Those two criminal appeals were decided by learned Judge of Lower Appellate Court. Appeal filed by Irshad, non-applicant No.1/husband herein, was dismissed. Whereas, appeal filed by applicant No.1, who is wife of Irshad, non-applicant No.1, was also dismissed.
5. Irshad, non-applicant No.1/husband, approached to this Court by filing a revision. The revision was barred by limitation. Therefore, an application for

condonation of delay was filed. The said application was allowed on 17.9.2021 by this Court (Coram : Rohit B.Deo, J.) and the revision filed by the husband is now duly registered.

6. The wife also preferred a revision. It was also barred by limitation. Therefore, she also filed an application for condonation of delay.

7. It appears that on 17.9.2021 when the application for condonation of delay was allowed, which was filed by Irshad, non-applicant No.1/husband, the application filed by the wife was dismissed with a liberty to her to file an appropriate application. Accordingly, the present application is filed by the wife.

8. Since the revision filed by Irshad, non-applicant No.1/husband, is already pending, in my view, an opportunity will have to be given to the wife also. Therefore, though there is an objection on the part of learned counsel for non-applicants, I am of view that in the interest of justice, the application needs to be allowed.

9. Hence, the criminal application for condonation of delay is allowed. The delay stands condoned. Registry is directed to register the revision and tag the same with Criminal Revision Application No.71/2021 which is filed by Irshad, non-applicant No.1/husband.

With this, the criminal application stands disposed of accordingly.

JUDGE

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