

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

CRIMINAL APPLICATION (APL) NO.1159 OF 2021

(Ashok s/o Uddhavrao Durge Vs. State of Maharashtra thr. PSO PS Ashti, Tah.
Chamorshi, Dist. Gadchiroli)

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

Court's or Judge's orders.

Mr. R. R. Vyas, Advocate for Applicant.
Mr. N. S. Rao, APP for Non-Applciant 1/State.

CORAM: ROHIT B. DEO, J.
DATE: 29th OCTOBER, 2021.

The applicant is questioning the order dated 07.09.2021 passed by the learned Sessions Judge, Gadchiroli refusing to condone the delay of sixty seven days caused in preferring revision against the order of the learned Magistrate refusing to entertain an application under Section 156 (3) of the Criminal Procedure Code, 1973 (Code).

2. While the learned Sessions Judge appears to have given sound reasons for not exercising discretion, I have examined the *prima facie* merits of the application under Section 156 (3) of the Code in order to satisfy the judicial conscience of the Court.

3. The applicant is a retired Police Officer. He preferred an application dated 10.08.2017 under Section 156 (3) of the Code alleging that on 06.04.1997

non-applicant 2 – Maroti Jorgalwar induced him to pay Rs.39,687.50 (Rupees Thirty Nine Thousand Six Hundred Eighty Seven and Fifty Paise) representing that he was the owner of an agricultural field, which he was not. According to the applicant, he ultimately did purchase the said agricultural field from the rightful owner.

3. The learned Magistrate rightly held that there is absolutely no explanation why the applicant did not initiate any action for more than nineteen years of the alleged cause of action. Certain other grey areas in the version of the applicant were noted *inter alia* that the agreement on which reliance was placed mentions three names as executants and there is overwriting and corrections etc.

4. In my considered view, no interference is necessary in the order impugned which refuses to condone the delay in preferring revision, particularly since the basic grievance appears to be absolutely frivolous.

5. The application is dismissed.

JUDGE