

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

CRIMINAL APPLICATION (APPP) NO.1245 OF 2019 AND
MISC. CRIMINAL APPLICATION (APPR) NO.235 OF 2019 IN
CRIMINAL REVISION APPLICATION NO. 169 OF 2012

Sau. Jyoti w/o Devendra Nand Vs. Sanjay s/o Shamrao Dhotre 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 S.S. Jagirdar, Advocate for applicant.
Shri J.B. Gandhi, Advocate for non-applicant no.1.
Shri K.L. Dharmadhikari, A.P.P. for non-applicant no.2.

CORAM : V.M. DESHPANDE, J.
DATE : 22nd FEBRUARY, 2021.

Heard Shri S.S. Jagirdar, learned counsel for the applicant, Shri J.B. Gandhi, learned counsel for the non-applicant no.2 and Shri K.L. Dharamadhikari, learned A.P.P. for the non-applicant no.2.

(2) The applicant has filed a private complaint against the non-applicant no.1 for the offence punishable under Section 500 of the Indian Penal Code. The learned Magistrate on 28.02.2008 issued process under Section 500 of the I.P.C. against the non-applicant no.1. The said was challenged before the Revisional Court by the non-applicant no.1 and his revision application was allowed by the Revisional Court on 11.06.2012. By allowing the revision filed on behalf of the non-applicant no.1, the order of issuance process was quashed and criminal complaint was also dismissed. Felt aggrieved thereby, the applicant

approached this Court by filing Criminal Revision Application No.169 of 2012.

(3) Initially, the notice was issued on 01.08.2013. After the service and after hearing the learned counsel for the applicant and learned counsel for the non-applicant no.1, on 30.09.2013, the revision was admitted for its final hearing. The record and proceedings was also called. On 14.06.2018, when the matter was called out for final hearing before this Court (Coram: Rohit B. Deo, J.) the counsel for the applicant did not remain present. On said day the Court has found that even on earlier occasion counsel for the applicant was absent therefore the revision was dismissed for want of prosecution.

(4) Against the said order of dismissal the applicant has filed an application for restoration of the Criminal Revision. Since the application for restoration was barred by limitation the application for condonation of delay is also filed. The application for condonation of delay as well as application for restoration of the revision is affirmed by Shri Sk. Sibghatulla s/o Sk. Izzatullah Jagirdar, learned counsel who represented the applicant.

(5) After hearing the learned counsel for the respective parties and after having gone through the solemn statement made by the learned counsel for the applicant himself, I am of the view that indulgence can be exercised in

favour of the applicant. Consequently, I pass the following order:

(6) The Criminal Application No.1245 of 2019 for condonation of delay is allowed. The delay is hereby condoned.

(7) The Miscellaneous Criminal Application No.235 of 2019 for restoration of the criminal revision is allowed. The Criminal Revision Application No.169 of 2012 is restored to its file subject to payment of costs by the learned counsel for the applicant to the High Court Legal Services Sub-Committee, Nagpur and I quantify it Rs.500/-.

JUDGE

Wagh