

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

CRIMINAL APPLICATION NO.854 OF 2022

Applicant : Prashant s/o Govindrao Joshi,
Age about 54 years, Occu. Business,
R/o Satav Chowk, Jatharpeth, Akola,
Tq. and Dist. Akola.

– Versus –

Non-Applicant : Rajesh s/o Kailash Sharma,
Age about 35 years, Occu. Business,
R/o Lakhpat Galli, Shegaon,
Tq. Shegaon, Dist. Buldana.

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Mr. A.R. Deshpande, Advocate for the Applicant.

Mr. Kartik Rao h/f Mr. M.G. Sarda, Advocate for the Non-Applicant.

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CORAM : **VINAY JOSHI, J.**
DATE : **19th AUGUST, 2022.**

ORAL JUDGMENT :-

Heard finally at the stage of admission.

02] **Admit.**

03] A short challenge has been raised to the judgment and order dated 27/10/2021 in Criminal Revision No.47/2014 by which the Sessions Judge

has dismissed the revision on the ground of bar of limitation. The applicant-petitioner has challenged the order of issuance of process in the revision. However, the Revisional Court has dismissed the revision by holding that neither the delay condonation application was filed nor the revision was filed within the prescribed period of limitation.

04] The applicant's learned Counsel has pointed out that the summon of the original proceedings was served on 10/03/2014, whilst the revision was filed on 21/04/2014 i.e. within the period of 90 days as provided for filing revision. In support of said contention, the petitioner has filed a copy of summons demonstrating the dates as has been argued. Though the other side has primarily disputed the revision, however, has not disputed the factual aspect about service of summons on 10/03/2014. Thus, it is apparent that the Revisional Court has seriously failed in error in holding that the revision petition was time barred.

05] In view of that, the application is allowed. The impugned order dated 27/10/2021 passed in Criminal Revision No.47/2014 is hereby quashed and set aside. The revision is restored at its original stage. The Revisional Court shall decide the revision on its own merits within three months from the first appearance of the parties. Both the parties undertake to appear before

the Revisional Court on 5th September, 2022. The application stands disposed of in the above terms.

(VINAY JOSHI, J.)

**sandesh*