

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**966 CRIMINAL APPLICATION NO.1780 OF 2023
IN REVNST/4346/2023**

**HARSHA NILESH SURSE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Advocate for Applicants : Mr. Faisal N. Shaikh h/f. Shaikh Nasimoddin
Rafiyoddin

APP for Respondents: Mr. S.P. Deshmukh.

Adv. For respondent No.2 : Mr. Y.H. Jadhav

Adv. For respondent Nos.3 to 7 : Mr. Girish A. Nagori.

CORAM : S.G. CHAPALGAONKAR, J.

DATE : 21st SEPTEMBER, 2023

ORDER :-

Heard the learned counsel for the respective parties.

2. By the present application, the applicant seeks to condone the delay caused in filing the criminal revision against the judgment and order passed by the Sessions Judge, Jalgaon in Criminal Appeal No. 46 of 2000 dated 27.6.2022.

3. It is the contention of the applicant that the present proceedings are arising out of PWDV Application No. 81 of 2018 by which maintenance of Rs. 3,500/- and 2,000/- has been awarded to each of the applicants. The applicant had preferred Criminal appeal No. 41 of 2000 before the Sessions Judge, which came to be rejected on 27.01.2022. Said order is impugned in revision application.

4. It is submitted that the minor daughter/Applicant No.2 was suffering from epilepsy. The medical certificate regarding said treatment

are made part of the application.

5. Learned counsel for the respondents opposes the prayer on the ground that sufficient cause it not made out.

6. Perusal of the reasoning given in the application and the medical evidence indicative of the treatment advanced to applicant No.2 reveals that because of the medical treatment of applicant No.2, the applicants could not approach the court in time. The delay of 169 days caused in filing the revision is properly explained.

7. Hence, the application for condonation of delay is allowed. Delay of 169 days caused in filing the criminal revision is condoned. Revision application be registered.

[S.G. CHAPALGAONKAR]
JUDGE

grt/-