

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

**CRIMINAL APPLICATION NO.1794 OF 2023
IN REVNST/4780/2023**

**DEVAJI YADAV BAMBALE
VERSUS
BABITA DEVAJI BAMBALE AND OTHERS**

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Advocate for Applicant : Mr. M.L. Dharashive
Advocate for Respondents : Mr. Hanumant P. Jadhav

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CORAM : S.G. MEHARE, J.

DATED : AUGUST 08, 2023

PER COURT:-

1. Heard learned counsel for the applicant and learned counsel for the respondents.
2. The applicant seeks condonation of delay of 260 days caused in preferring the criminal revision against the impugned order. Learned counsel for the applicant would submit that after the mediation was unsuccessful, he was unaware of the further dates of the petition. His counsel also did not inform him. Hence, the matter proceeded ex parte. There was no deliberate delay in preferring the criminal revision. He has a good case on merit. He has now retired from the police department.
3. Learned counsel for the respondents has strongly opposed the application. He would argue that the reasons assigned for the delay are not genuine and reasonable. He being a policeman

was well aware of the proceedings before the Court. Hence, the delay may not be condoned.

4. It is not disputed that the matter was referred to mediation. Both appeared before mediation; however, it was unsuccessful. The possibility of having no knowledge of the next date after mediation process cannot be ruled out. From the facts and circumstances of the case, it may be stated that the delay was not deliberate. Hence, the following order :

ORDER

- (i) The application is allowed.
- (ii) The delay of 260 days caused in preferring the criminal revision stands condoned.
- (iii) Registry to register the criminal revision as per law.
- (iv) Learned counsel for the respondents waives service of notice for the respondents in criminal revision application.
- (v) List the criminal revision application on 30.08.2023.

(S.G. MEHARE, J.)