

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

954 CRIMINAL APPLICATION NO.1967 OF 2023
IN CRIMINAL REVN ST NO. 5383/2023

SARITA W/O SHIVPRASAD JOSHI
VERSUS
NARENDRA SATYABHUSHAN AVASTI AND ANOTHER

...

Advocate for Applicant : Mr. Pradeep Vikramrao Tapse
APP for Respondent : Mrs P.V. Diggikar
Advocate for Respondents : Mr. M.R. Sonawane

...

CORAM : S. G. CHAPALGAONKAR, J.
Dated: October 17, 2023

...

PER COURT :-

1. The applicant approaches this Court challenging the judgment and order of conviction passed by the J.M.F.C., Jalna in SCC No.589 of 2018 which is confirmed by the Additional Sessions Judge in criminal appeal no.14 of 2021. There is delay of 166 days in filing the revision.

2. Mr. Tapse, learned advocate appearing for the applicant submit that the delay caused in filing the revision application is unintentional. The applicant was not aware about the order passed by the Sessions Court. After getting knowledge of the order, further steps were taken and revision application is filed. He would submit that the applicant has good grounds in revision on merits. If her prayer for condonation of delay is not considered, serious prejudice would be caused.

aaa/-

3. Mr. Sonawane, learned advocate appearing for the respondents vehemently opposes the prayer. He submit that copy of Roznama dated 22.9.2022 shows that the applicant/accused was present in the Court at the time of the pronouncement of the judgment in appeal. Even copy was handed over to her. Therefore, there is no water in the grounds raised in the application.

4. Having considered the submissions advanced, apparently, the applicant has given various reasons for delay. She also states that she has ailments like Diabetes, Blood Pressure and she is under medical supervision. She further states that some time was consumed in collecting requisite documents. If overall contentions in the application are considered, it appears that there is sufficient cause to condone the delay of 166 days. However, to adjust the equities, some costs need to be imposed, which shall be payable to the respondents. Hence, the order.

ORDER

- i. The application is allowed.
- ii. Delay of 166 days caused in filing the revision application challenging the order dated 22.9.2022 in criminal appeal no.14 of 2021 passed by the Additional Sessions Judge, Jalna is condoned subject to condition that the applicant pays costs of Rs.5,000/- (Rs. Five Thousand) to the respondents within a period of four weeks from today.

aaa/-

iii. Criminal Application is accordingly
disposed off.

(S. G. CHAPALGAONKAR, J.)

...