

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

**CRIMINAL APPLICATION NO.2455 OF 2021
IN REVNST/258/2017**

**SUSHMA ANKUSHRAO YELE
VERSUS
SURESH NAMDEO MORE**

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Advocate for Applicant : Mr. Thorat Nanabhau R
Advocate for Respondent : Mr. K.J. Suryawanshi

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CORAM : S.G. MEHARE, J.

DATED : JUNE 06, 2023

PER COURT:-

1. Heard learned counsel for the applicant and learned counsel for the respondent.
2. The applicant is seeking condonation of delay of 1116 days and restoration of the Criminal Revision Application (Stamp) No.258 of 2017 to its original position.
3. Learned counsel for the applicant would submit that the notices were issued to the non-applicant on correct address. However, those were tactfully avoided. In the course of time, the matter remained pending due to Covid-19 pandemic. The applicant has a good case on merit. Hence, the application may be allowed.
4. Learned counsel for the respondent would submit that the reasons assigned for the delay are not acceptable. The applicant

was not diligent in serving the respondent in Criminal Revision Application (Stamp) No.258 of 2017.

5. Learned counsel for the applicant would point out that in the present case, the non-applicant has been served on the same address given in the criminal revision application. After having gone through the papers and facts of the case, it would be unjustifiable to deny the relief as claimed. Hence, the following order :

ORDER

- (i) The application is allowed.
- (ii) The delay caused in filing the application is condoned and Criminal Revision Application (Stamp) No.258 of 2017 is restored to its original file.
- (iii) Learned counsel for the respondent waives service of notice in criminal revision application.
- (iv) List the matter on 03.07.2023.

(S.G. MEHARE, J.)