

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

CRIMINAL APPLICATION NO.4347 OF 2022  
IN REVNST/11996/2022

SHAM BHIVRAO THOMBARE  
VERSUS  
THE STATE OF MAHARASHTRA AND ANOTHER

...  
Advocate for Applicant : Mr. Datta A. Madake  
APP for Respondent No.1/State : Mr. Y. G. Gujrathi  
...

**CORAM : S. G. MEHARE, J.**

**DATE : 10-07-2023**

**PER COURT :-**

1. The legal heir of respondent No.2 was appeared. However, she did not turn up. It is a State case. The learned A.P.P. can represent her. Hence, the matter is proceeded ahead.
2. Heard the learned counsel for the parties.
3. The learned A.P.P. has opposed the application. He submits that the impugned judgment and order is correct. The reasons for delay are not convinceable. Hence, the application may be rejected.
4. Perusal of the reasons assigned for delay in the application appear plausible as well as reasonable. No harm would be caused to the respondent/State, if the delay is condoned. Hence, the

order:-

- i) Criminal application is allowed.
- ii) Delay of 173 days in preferring criminal revision application is condoned.
- iii) Registry to register the revision application according to law.
- iv) Upon registration, issue notice to the respondents, returnable on 26.07.2023.
- v) The learned A.P.P. waives service of notice for the respondent No.1/State.

**( S. G. MEHARE )**  
**JUDGE**

rrd