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IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL WRIT PETITION NO.83 OF 2022

SIPRA REMEDIES PVT. LTD. THR. ITS MD. SANJEEV TIWARI AND ANR	... PETITIONERS
Versus	
EDC LIMITED, REP. BY ITS DULY AUT. OFFICER, AND DY. GENERAL MANAGER (RECOVER) P. P. BORKAR	... RESPONDENT

Mr. P. Kanekar with Mr. Praveen Faldessai, Advocates for the Petitioners.

Mr. A. Bhobe with Ms. S. Shaikh, Advocates for the Respondent.

CORAM:- BHARAT P. DESHPANDE, J.

DATED :- 5th December, 2023

P. C.:

1. Heard Mr. Faldessai for the Petitioners and Mr. A. Bhobe for the Respondent.
2. The present petition is filed challenging the impugned Order dated 28/03/2022 by which delay of 206 days for filing of the proceeding under Section 138 of NI Act were condoned.
3. Mr. Faldessai appearing for the Petitioner submitted that this Order is revisable and therefore Petitioner may be granted permission to approach the Jurisdictional Court for filing revision. However, he

submits that the delay in filing such revision needs to be considered in sympathetic way. Mr. Bhobe appearing for the Respondent submits that he has raised preliminary objections regarding alternate efficacious remedy if available.

4. Since the Petitioner is now ready to approach the District Court / Sessions Court by filing the revision challenging the impugned Order, the time spent before this Court could be considered by the revisional Court for the purpose of condoning the delay.

5. The Petitioner shall file the revision along with the delay application. The Trial Court shall consider the time spent before this Court for the purpose of condoning delay in entertaining the revision petition. The Trial Court shall decide the application of condonation of delay by giving opportunity to the Respondent and on its merits. With these observations, the petition is disposed of with liberty as prayed for.

BHARAT P. DESHPANDE, J.