

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.1256 OF 2017

M/s Emerald Woolen Mills Pvt. Ltd. Petitioner

versus

Sampatlal Jain & Ors. Respondents

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- Mr. Deepak Pandey, Advocate for Petitioner.
- Mr. Subodh Desai a/w Mr. R. K. Satpalkar a/w Ms. M. Avasia i/
b. M/s. Mulla & Mulla Craigie Blunt & Caroe, Advocate for
Respondent Nos.1 and 2.
- Mr. Arfan Sait, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 30th OCTOBER, 2023

P.C. :

1. Heard parties.
2. Learned counsel appearing for the Respondent Nos.1 and 2 raises a preliminary objection. He submitted that the Petitioner has challenged the order dated 30/06/2012 passed by the Additional Sessions Judge, Thane, in Criminal Revision Application No.284 of 2007. That Revision Application was

preferred by the Respondent No.1 herein. Therefore, the Petitioner who was the original Respondent No.1 in the Criminal Revision Application No.284 of 2007 before the Additional Sessions Judge, Thane, ought to have filed a Revision Application. Instead of that, the Petitioner has filed this Criminal Writ Petition after about five years. Mr. Desai submitted that this Writ Petition is deliberately filed under Article 227 of the Constitution of India to circumvent the limitation to file the Revision Application.

3. In response to that learned counsel for the Petitioner seeks liberty to convert this Writ Petition into Criminal Revision Application and also for filing an application for condonation of delay explaining the circumstances why the Revision Application could not be filed within the period of limitation.
4. Considering both these submissions, instead of permitting the Petitioner to convert this Writ Petition into

Revision Application, I am inclined to grant liberty to file a fresh Revision Application with accompanying application for condonation of delay.

5. Hence, the following order :

ORDER

- (i) The Petitioner is at liberty to file a Criminal Revision Application challenging the order dated 30/06/2012 passed in Criminal Revision Application No.284 of 2007 by the Additional Sessions Judge, Thane.
- (ii) The Petitioner will have to file an application for condonation of delay explaining the delay in filing the Revision Application.
- (iii) With these observations and liberty, the Writ Petition is disposed of.

(SARANG V. KOTWAL, J.)