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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

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INTERIM APPLICATION NO.4411 OF 2022
IN

CRIMINAL REVISION APPLICATION (ST.) NO.18713 OF 2022
WITH

INTERIM APPLICATION NO.4412 OF 2022

Vasudevan K. Paramathi

...Applicant

V/s.

The State of Maharashtra & Anr.

...Respondents

Ms.Shilpa Gajare for the Applicant.

Mrs.M.R. Tidke, APP for the State - Respondent No.1.

CORAM : RAJESH S. PATIL, J.

DATE : 8TH DECEMBER, 2023.

P.C. :-

1. This Interim Application is filed for condoning delay in filing Criminal Revision Application.
2. Criminal Revision Application challenges the order dated 5 March 2022 passed by the Sessions Court, Mumbai in Miscellaneous Application No.3269 of 2019.
3. The Respondent No.2 has filed complaint under the Domestic Violence Act, against the Applicant herein. By its order dated 19 April 2018, the M.M. Court, Kurla, Mumbai, allowed the application of Respondent No.2, for conducting DNA Test to prove

paternity of the second child of Respondent No.2. The said order dated 19 April 2018, was challenged by Applicant in Sessions Court, where there was delay of 577 days in filing an Appeal in Sessions Court was dismissed, on the ground that there was no reasons sufficient to condone the delay in filing an Appeal before the Sessions Court.

4. The present delay condonation application has been filed for condoning the delay of 138 days in filing the present Criminal Revision Application. The only ground for condoning the delay is stated in paragraph 7 of the delay condonation application. Paragraph 7 reads as under :-

“7. That the applicant was in great shock after passing the order dated 5.3.2022 by the Hon'ble Addl. Sessions Court, Mumbai and took time to bring his life back on normal routine. And therefore the delay is caused to file the present revision application along with Application for Condonation of Delay and Application for Stay.”

5. After going through the contents of paragraph 7 of the delay condonation application, I am not satisfied with the explanation given by the Applicant to condone the delay. This is a proceeding when delay condonation application filed in the Lower Court was dismissed, where there was a delay of 577 days. In such a situation it is expected from the Applicant that while challenging the said order, he would properly mention the reasons for condonation in the delay

condonation application before this Court.

6. Supreme Court in the judgment of **P.K. Ramachandran vs. State of Kerala & Anr.** reported in **(1997) SCC 556**, did not condone delay of 565 days in filing Appeal. Division Bench of this Court, refused to condone delay of 315 days in filing the Appeal in the matter of Interim Application No.604 of 2020, passed in order dated 10 January 2023.

7. I am not at all satisfied with the explanation of the delay condonation application. Taking into consideration the law laid down by Supreme Court and the Division Bench of this Court, the delay condonation application is dismissed. Pending Interim Application, if any, is also dismissed.

8. In turn the Criminal Revision Application is also dismissed. There shall be no order as to cost.

(RAJESH S. PATIL, J.)