

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

**INTERIM APPLICATION NO. 3649 OF 2023
IN
CRIMINAL REVISION APPLICATION NO. 316 OF 2023**

M/s. Prem Industries & Ors. ..Applicants.
Versus
M/s. Champion Dealers Mumbai Pvt. Ltd. & Anr. ..Respondents

Mr. Pankaj J. Das for Applicants.
Mr. J. S. Kini a/w. Aum Kini i/b. Sapna Krishnappa for Respondent No.1.
Mr. Arfan Sait, APP for State/Respondent No.2.

**CORAM : SARANG V. KOTWAL, J.
DATE : 18 OCTOBER 2023**

PC :

1. This is an application for condonation of delay of 161 days in preferring the Criminal Revision application.
2. The applicants are convicted for commission of offence punishable U/s.138 r/w. 141 of the Negotiable Instruments Act, by the Judgment and order dated 03.01.2020 passed by the Metropolitan Magistrate, 6th Court, Mazgaon (Sewree), Mumbai, in C.C.No.0601478/SS/2018. The Applicants challenged that order by way of Criminal Appeal No.91 of 2020. That Appeal was

dismissed vide order dated 21.01.2023.

3. Learned counsel for the Applicants submitted that, when the Appeal was decided, the applicants were not present in the Court and, therefore, they were not aware of the order of the Appellate Court. Before they could take any steps in preferring the revision application, the applicant No.2 was arrested. The Applicant No.3 is a housewife and, therefore, she could not take immediate steps in approaching this Court by filing the revision application. This has caused delay of 161 days.

4. Though, the delay is not very satisfactorily explained, but the parties have arrived at a settlement and consent terms are submitted which are taken on record in the revision application.

5. Considering this situation, the delay of 161 days in preferring the criminal revision application is condoned.

6. The application is disposed of.

(SARANG V. KOTWAL, J.)