



Harish

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.4117 OF 2023
IN
REVISION APPLICATION (ST) NO.21021 OF 2023

Kunal Vilas Kabadi & Ors.

...Applicants

Versus

1. Pashmin Kunal Kabadi Nee

Pashmin Sukhadav Kinalekar & Anr.

...Respondents

Mr. Virendra V. Pethe for the Applicants.

Mr. Mohammad Shine with Ms. Drishti Singh i/b M2M Legal for
Respondent No.1.

CORAM : SHARMILA U. DESHMUKH, J.

DATE : JANUARY 8, 2024

P. C. :

1. Interim Application has been preferred seeking condonation of delay of 143 days caused in filing the Criminal Revision Application. It is pleaded in the application that after passing of the impugned order, the Petitioner No. 1 was to tender the bank guarantee and upon realizing the consequence thereof, took legal advise and has thereafter challenged the said order by the present Criminal Revision Application, as such, there is a delay of 143 days caused in filing the Criminal Revision Application.

2. Learned counsel for the Respondent No. 1 has opposed that grant of prayer of condonation of delay. He submits that the Petitioner No. 1 was in the process of complying with the impugned order of tendering the bank guarantee and has thereafter filed the present Criminal Revision Application.

3. The reasons stated in the Interim Application are sufficient for condoning the delay of 143 days caused in filing the Criminal Revision Application. As far as the contention of compliance of the order of tendering the bank guarantee is concerned, the same is a matter of merit of the Revision Application which can be considered at the time of hearing of the Revision Application.

4. Interim Application is allowed in terms of prayer clause (a) which reads thus:

(a) That this Hon'ble Court be pleased to condone the delay of 143 days in filing the above mentioned Criminal Revision Application.

(SHARMILA U. DESHMUKH, J.)