

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

**INTERIM APPLICATION NO. 1564 OF 2019
IN
REVISION APPLICATION (ST) NO. 663 OF 2019**

Manish Laxmikant Selmohkar ...Applicant

Vs.

Sampadak Dainik Pudhari And
Ors.

...Respondents

None for the Applicant

None for the Respondent

Mr. H. J. Dedhia – APP for Respondent-State

CORAM : S. M. MODAK, J.

DATE : 05th JANUARY 2024

P. C. :-

1. The Court of the JMFC, Pune refused to add name of one Pratap Jadhav as an accused person, as per Order dated 11/01/2019, at page no. 29. The legality of the said order is challenged by the Complainant by way of this revision.

2. There is delay in filing revision. On 16/02/2021, no one has appeared on behalf of the Applicant. It is pending since last four years. It is true that while deciding the delay condonation application, the issue is whether there are satisfactory reasons for condonation of delay. Whereas, while deciding the revision, the issue is whether the order is legal and proper.

3. This Court is having revisional jurisdiction as per Section

401 of the Criminal Procedure Code. Whereas the Court of the Sessions is having revisional jurisdiction as per Section 397 of the Criminal Procedure Court. Both remedies are co-extensive. Record does not show that the Applicant has filed revision before the Sessions Court. If the revision is decided in either way by this Court there will not be further scope for Applicant, but however if the revision decided by the Court of the Sessions, some remedy is available to the Complainant.

4. So in the interest of the justice, it is better for the Complainant, if he challenges the order before the Court of the Sessions.

5. In that view of the matter, I am not inclined to inquire about condonation of the delay. At the most the Applicant can be granted liberty to approach the Court of the Sessions. He is also at liberty to apply for condonation of delay and it can be considered on the merits.

6. In the light of the above observations, the interim application for condonation of delay is disposed of. Accordingly, revision application does not survive. Interim application, if any, also stands disposed of.

[S. M. MODAK, J.]