



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

901 CRIMINAL WRIT PETITION NO. 343 OF 2022

ANJALI W/O SANDEEP CHAVAN
VERSUS
SANDEEP BALIRAM CHAVAN AND OTHERS

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Mr. Arun S. Shejwal – Advocate for Petitioner
Ms. Meenal S. Deshmukh h/f. Mr. Devang R. Deshmukh – Advocate for
Respondent Nos.1 to 4

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CORAM : SACHIN S. DESHMUKH, J.
DATE : 25.11.2025

PER COURT :

1. Heard.

2. The petitioner raises an exception to the order dated 18.01.2022 rendered by the learned Additional Sessions Judge, Aurangabad in Criminal Misc. Application No.210/2019, rejecting the application for condonation of delay. Further, challenge is raised to the order dated 12.09.2018 passed by the learned Chief Judicial Magistrate, Aurangabad, below Exhibit Nos. 1 and 27 in R.C.C. No.2169/2015 requesting the restoration of R.C.C. No.2169/2015.

3. The petitioner had preferred a revision application along with an application of delay condonation before the learned Sessions Court, Aurangabad challenging the order dated 12.09.2018 passed by the

learned Chief Judicial Magistrate, Aurangabad, who had dismissed the complaint bearing R.C.C. No.2169/2015 presented by the petitioner for want of prosecution.

4. The learned Additional Sessions Judge, Aurangabad, considering the material on record and delay of 212 days for filing the said revision application, rejected the application for condonation of delay vide order dated 18.01.2022. Aggrieved by the same, the petitioner has approached this Court under Article 227 of the Constitution of India.

5. Learned Counsel for the petitioner submits that the petitioner was suffering from an illness and had no knowledge about the order of dismissal for want of prosecution. Moreover, the circumstances such as illness of the grandmother and marriage of sister of the petitioner also have contributed to the delay in filing the revision. As such, it is contended that the Court below failed to appreciate all the aspects in their proper perspective. Hence, prayed to allow the petition.

6. Per contra, learned Counsel for the respondents has opposed the petition and supported the order under challenge on account of unexplained delay on the part of petitioner does not warrant consideration.

7. Admittedly, there is a delay of 212 days in filing the revision application presented by the petitioner before the learned Sessions Court.

The original complaint bearing R.C.C. No. 2169/2015 has been dismissed for non prosecution. The solitary contention put forth by the petitioner is that, the petitioner was unaware of the dismissal order for want of prosecution. While the factors like illness and marriage of sister are relied upon to seek delay condonation for filing the revision application.

8. Perusal of the order under challenge indicates that the petitioner and respondent No.1 are divorced on mutual terms, wherein that the petitioner has received full and final settlement. The record further indicates that the petitioner under mutual settlement had accepted to withdraw pending proceedings against the respondents. Furthermore, another application for withdrawal of the proceeding under Section 494 of the I.P.C. was filed by the advocate of the petitioner under her signature. However, the same was subsequently denied by the petitioner. As such, the petitioner has consciously made attempts to protract the proceedings and has subsequently, failed to appear in the same. Thus, the complaint bearing R.C.C. No.2169/2015 came to be dismissed for want of prosecution.

9. So far as the application for condonation of delay in filing revision is concerned, the same is presented with general grounds of sickness and marriage of petitioner's sister, however no material to that effect is placed on record. Although, the petitioner is not required to explain the cause of delay on a day to day basis. However, a sufficient and probable reasons

are necessary to condone such delay.

10. The aforesaid factors and circumstances are rightly considered and recorded in the well reasoned order rendered by the learned Additional Sessions Judge, Aurangabad. Thus, no error is noted in the order under challenge.

11. The petition sans merit and is, therefore, dismissed.

[SACHIN S. DESHMUKH]
JUDGE

Pooja Kale/