



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 759 OF 2024

Minakshi W/o Mangesh Patil

.. Petitioner

Versus

Jamuna W/o Prakash Dhantole And Another

.. Respondents

Ms. Priyanka Deshpande, Advocate a/w Ms. Sakshi Muley,
Advocate i/b J.P. Legal Associate for the Petitioner.
Smt. M. N. Ghanekar, APP for Respondent No. 2.

CORAM : KISHORE C. SANT, J.

DATE : 12th AUGUST, 2025.

PER COURT :-

. Heard learned advocate for the petitioner and learned A.P.P.
for State.

2. On the last occasion this Court has specifically passed an
order that even if none appears for respondent No. 1, this Court
will take up the petition for hearing with the assistance of the
petitioner. In spite of order, none appears for respondent No. 1.

3. The present petition is filed challenging an order passed by
the learned Additional Sessions Judge, Aurangabad in Criminal

Misc. Application No. 25/2024 thereby refusing to condone the delay caused in filing the revision by the petitioner. The petitioner is an accused facing trial for an offence punishable under Section 138 of the Negotiable Instruments Act (for short “N.I. Act”). The said case is pending before the learned J.M.F.C. bearing S.C.C. No. 2502/2021. The learned J.M.F.C. by order dated 15.06.2023 passed an order of no cross. The petitioner filed an application in the learned Trial Court for setting aside no cross order. The said application came to be rejected by order dated 07.10.2023 and therefore, the petitioner has approached the learned Sessions Judge in which there was delay of 68 days.

4. It is the case of the petitioner that, she was pregnant when no cross order was passed. Thereafter, she was required to take care of child. She could not immediately file revision for above reasons. The learned Sessions Judge, however, observed that there is no documentary proof on record to show that the petitioner was ill or that the petitioner is having child and she is required to take care of her child. It is further observed that, ignorance of law is no excuse. The petitioner was duly represented by advocate before the Magistrate. It was necessary

to place on record supporting evidence to show that the petitioner was required to take care of child.

5. The learned advocate for the petitioner vehemently argued that, there is no denial of the fact that at the relevant time the petitioner was pregnant. There is no objection to her contention that she was required to take care of child. The reason is purely personal and there is no doubt about the said reason expressed by either side. The learned Judge on his own expected the evidence to support reasons given in application. She thus prays for allowing the petition by setting aside the order and by condoning the delay.

6. The learned A.P.P. prays for passing appropriate order.

7. Having seen the reason this Court finds that, this was hyper technical approach requiring a person to prove by evidence that she is required to take care of child. The fact that at the relevant time petitioner was pregnant is not disputed. Every parent of a child has to take care of child. It is not possible for such lady to move freely. Delay is hardly of 68 days caused in filing the

revision. This Court certainly finds that, the approach is highly technical. The learned Court ought to have allow the application and should have allow the petitioner to contest the revision on merits.

8. Considering the above, this Court is inclined to allow the writ petition.

9. Criminal writ petition stands allowed. The impugned order dated 26.02.2024 passed by the learned Additional Sessions Judge, Aurangabad is quashed and set aside. The Criminal Misc. Application No. 25/2024 is allowed. Office of learned Sessions Judge, Aurangabad to register the criminal revision application. Thereafter, the learned Judge is requested to decide the revision application as early as possible and preferably within nine months from today.

10. With this, criminal writ petition stands disposed of.

(KISHORE C. SANT, J.)

PS.B.