

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1912 OF 2025
IN REVNST/5512/2025

BALASAHEB ALIAS BALU SOBAJI PAWAR
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. P. S. Jadhav h/f Mr. Latange Vijay
Prabhakar Rao.

APP for Respondent/State: Mr. R.K.Ingole

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CORAM : ABHAY J. MANTRI, J.
DATE : 20.09.2025.

PER COURT :

1. The applicant/accused has moved this application for condonation of the delay caused in filing the Criminal Appeal.
2. The learned APP has raised an objection for the same.
3. Having gone through the record, it appears that, by order dated 11.04.2016, the learned Magistrate, First Class, Parner convicted the applicant in RCC No. 164 of 2009 for the offence punishable under Section 379 r/w 34 of the Indian Penal Code and imposed a fine of Rs. 3,000/—and in default S.I. for 15 days. Pursuant to the said order, the applicant has deposited a fine amount in the Court.
4. It is further revealed that the applicant challenged the said order before the learned Additional Sessions Judge, Ahmednagar. The

learned Sessions Judge dismissed the appeal by order dated 29.06.2021. However, the applicant prefers no revision against the said order in time.

5. It is contended that when the applicant visited the Passport Office to get a Passport, at that time, he had to file an undertaking before the said authority that he had not been convicted of any offence nor criminal proceedings were pending against him. At that time, he went to the Advocate, who instructed him to file a revision application; therefore, he preferred this application, and the delay occurred.

6. It is contended that the delay is neither intentional nor deliberate, but it has occurred due to the above circumstances. Hence, he has prayed for condonation of the delay.

7. Considering the reasons disclosed in the application and the fact that the applicant has a statutory right to challenge the order passed by the trial Court and the appellate Court, therefore, in my view, it would be appropriate to condone the delay. If the delay is not condoned in those circumstances, the applicant will be deprived of filing the Revision Application, and therefore, it would be appropriate to condone the delay. As such, I do not find any substance in the objection raised by the learned APP.

8. At the same time, it is to be noted that due to the non-filing of the Revision Application in time, the matter has been prolonged, and

therefore, the applicant needs to be saddled with costs.

9. As a result, the application is allowed, subject to the costs of Rs. 10,000/- (Rs. Ten Thousand), to be paid to the High Court Bar Association Library, Aurangabad, within three weeks from today.

10. Upon depositing the costs, the Revision Application (Stamp) is to be registered in accordance with the law.

11. The Application is disposed of.

(ABHAY J. MANTRI J.)

mahajansb/