



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3130 OF 2024
IN
CRIMINAL REVISION APPLICATION (ST.) NO. 8643 OF 2024

Datta S/o. Tulshiram Devkte ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. Hanmant V. Patil, Advocate for Applicant.

Mr. N. D. Raje, APP for Respondent – State.
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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 04 NOVEMBER 2025

PRONOUNCED ON : 06 NOVEMBER 2025

ORDER :

1. Present application is for condonation of delay of 1404 days caused in filing Criminal Revision Application challenging the judgment and order dated 03.07.2020 passed by learned Additional Sessions Judge, Kandhar, Dist. Nanded in Criminal Appeal No. 17 of 2012 arising out of judgment and order dated 17.10.2012 passed by learned Judicial Magistrate First Class, Loha, Dist. Nanded in R.C.C. No.373 of 1999 convicting present applicant for offence punishable under section 379 of Indian Penal Code.

2. Learned counsel for applicant pointed out that learned trial court was pleased to try and convict the accused for offence punishable under section 379 of IPC. That, present applicant had challenged the same

before First Appellate Court i.e. learned Additional Sessions Judge, Kandhar and his appeal was dismissed by order dated 03.07.2020. Learned counsel further pointed out that, after hearing about dismissal of his appeal, he approached his Advocate. The Advocate took time to study the papers. That, the applicant being an agricultural labour, was required to leave his place i.e. to go out of Nanded for earning, and as such, there was communication gap between him and his Advocate. Learned counsel pointed out that, this was followed by COVID-19 pandemic, and as such, there was further communication gap for more than one year. All above factors contributed to the delay in filing revision, and hence, in the interest of justice, he urges to condone the delay.

3. Learned APP for Respondent – State opposed the application on the ground that delay is huge and there is no plausible explanation for the said delay. According to him, moreover, accused has not surrendered in spite of conviction order. According to learned APP, COVID-19 pandemic is not a good reason, as the courts were functional even during such period and for all above reasons delay application is opposed.

4. After considering the above submissions and on going through the papers, it emerges that, present applicant was tried for offence punishable under section 379 of IPC by learned J.M.F.C. Loha and was duly convicted. Exception was taken by applicant to the said judgment of

conviction by moving the first appellate court i.e. Additional Sessions Judge, Kandhar, however, unfortunately, his appeal also came to be dismissed by order dated 03.07.2020. Applicant, on affidavit has stated that, thereafter, he applied for certified copies and approached his Advocate. Main ground of applicant is that he is a agricultural labour and for earning purpose he was required to go out of Nanded district. Even in the trial court as well as first appellate court occupation of accused is given as agriculturist. Therefore, there is force in the submission that applicant being an agricultural labour, he was required to go out of Nanded district. There is no dispute that due to Covid-19 pandemic from 15.03.2020 to 23.02.2022 all activities throughout the country had come to standstill. Though learned APP pointed out that courts were functional, but apparently there were restrictions on the movement of individuals and therefore it is possible that the applicant might not have succeeded in approaching his Advocate and getting revision prepared after furnishing necessary documents to him. Therefore, there are indeed reasons for the delay and in the interest of justice and fair opportunity, delay is required to be condoned. Hence, the following order is passed :-

ORDER

- (i) The application is allowed. Delay stands condoned.
- (ii) Registry is directed to register the Revision Application.

(ABHAY S. WAGHWASE, J.)