



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3873 OF 2024
IN CRIMINAL REVISION APPLICATION (STAMP) NO. 10199/2024

Jayprakash Pundalikrao Baviskar & Ors

...Applicants

Versus

The State of Maharashtra & Anr

...Respondents

- Mr. G. V. Wani h/f Mr. A. G. Talhar, Advocate for the Applicants
- Mr. N. D. Raje, APP for the Respondent/State
- Mr. A. G. Mulange h/f Mr. J. V. Patil, Advocate for the Respondent No. 2

CORAM : ABHAY S. WAGHWASE, J
RESERVED ON : DECEMBER 05, 2025
PRONOUNCED ON : DECEMBER 08, 2025

ORDER :

1. Instant application is for condonation of delay of 590 days caused in fling revision to question judgment and order of learned Additional Sessions Judge dated 02.10.2022 rejecting the application filed by applicant for discharge under Section 227 of Code of Criminal Procedure.
2. Learned Counsel for Applicant points out that, crime was registered against him vide first information report no. 40/2009 alleging commission of offence under Sections 307, 324, 120-B, 504, 506 read with Section 34 of the Indian Penal Code and charge-sheet was filed. That, present applicant pressed into service application for discharge by invoking

Section 227 of the Cr.P.C. and prays for discharge. However, by order dated 07.10.2022, his application stood rejected. It is further submitted that, copy of application was tendered and proceedings were sought to be challenged but previous Counsel engaged by him filed criminal writ petition instead of criminal revision application and as such, there was office objections. Thereafter, on removing office objections, proceedings of revision filed, however, due to the above circumstances, delay had occurred in filing revision and the same being unintentional, is sought to be condoned.

3. The application is opposed by learned Counsel for Respondent who pointed out that, order sought to be impugned is of 07.10.2022. That, belated efforts were made to seek copy and even to remove office objections and as present applicant was not diligent and there being no plausible explanation, he prays to reject the application.

4. Heard both sides. There is delay of 590 days caused in questioning the judgment and order of rejection of application under Section 227 of Cr.P.C. seeking discharge. On affidavit it is stated that, after obtaining certified copy, initially criminal writ petition was preferred by Counsel engaged by applicant. That, only on office objections being raised about maintainability of writ petition and that revision was remedy, subsequently, steps are taken to file revision. Therefore, apparently, it is emerging that initially efforts were made to file writ petition even when it

was not maintainable and therefore, time was spent in the same.

5. For above reasons, delay of 590 days caused in filing revision is liable to be condoned in the interest of justice. Hence, the following order:

ORDER

- (i) Criminal Application is allowed in terms of prayer clause 'B'.
- (ii) Office to register Criminal Revision Application.

(ABHAY S. WAGHWASE, J.)

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