



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 4784 OF 2024  
IN  
CRIMINAL WRIT PETITION NO. 1774 OF 2024  
(sought to be converted into Criminal Revision Application)

Ganesh s/o Sambhajirao Kawale  
Age : 69 years, Occupation Pensioner,  
R/o Jay-Vijay Niwas, Near Wale  
English School, Khadgaon Road,  
Latur, Taluka and District Latur.

... Applicant  
(Orig. Accused No.6)

Versus

1. Union of India,  
Through Inspector of Police,  
C.B.I., BS & FC Mumbai.

2. The State of Maharashtra ... Respondents

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Mr. B. N. Patil, Advocate for the Applicant.  
Mr. Sachin S. Panale, Advocate for Respondent Nos.1 and 2.

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**CORAM : ABHAY S. WAGHWASE, J.**

**DATED : 27.02.2025**

**ORDER :**

1. Present applicant is for condonation of delay of 862 days  
caused in filing criminal revision application.

2. Learned counsel for the applicant submitted that crime was  
registered against applicant for commission of offence under Sections

420 and 120-B of IPC. That report was at the instance of Branch Manager of Union Bank of India, Latur Branch. Applicant was chargesheeted. As there was no material against applicant, he preferred application below Exhibit 167 in Special Case (ACB/CBI) No. 12 of 2015 invoking Section 227 of Cr.P.C. praying discharge primarily on the ground that there was no sanction and that there was also no material to make him face trial. However, according to learned counsel, learned trial court did not appreciate applicant's case and rejected the application against which, revision is sought to be preferred. However, there is delay of 862 days and as such, learned counsel seeks condonation of delay.

3. Above application is strongly opposed by learned counsel for the respondents by tendering affidavit-in-reply, refuting all the allegations. On the other hand, it is submitted that there was ample evidence upon investigation regarding not only commission of offence under Sections 120-B and 420 IPC, but also under Sections 467, 468 and 471 of IPC, and applicant being a public servant, provisions of Prevention of Corruption Act were attracted apart from charge of criminal conspiracy. He further pointed out that delay is of almost two and half years and there is no proper explanation inspite of applicant being aware of the proceedings.

4. Heard both sides. Perused the application for condonation of delay of 862 days caused in filing criminal revision application. In para 4 of the application, it is contended that there was no sanction under Section 197 of Cr.P.C. That, moreover, applicant was shown as accused no.6. In para 5 of the application, it is stated that attempt was made for seeking discharge by filing Criminal Writ Petition No. 1774 of 2024 before this Court and matter was also got circulated on 13.11.2024, but Registry raised objection that infact, revision lies and not criminal writ petition. Therefore, leave was sought to convert the matter into criminal revision application. That, even applicant was out of station and had remained disconnected from his Advocate, resulting into above delay.

5. Here, apparently delay is of 862 days. Order of learned trial court, which is sought to be challenged is of 05.01.2021. Charge sheet is already filed in 2015. There is nothing in support of ground of delay, about applicant to be out of station. Apparently, from his own application, it is emerging that attempt was first time made in November 2024, that too, by filing criminal writ petition and not revision. Even otherwise, immediately order granting leave for conversion of matter has been granted. As pointed out by learned

counsel for respondents, delay is not explained properly. Trial is apparently held up since almost a decade, as charge sheet is shown to be filed in 2015 itself. Taking the same into consideration, no case for condonation of delay being made out, the application is rejected.

**[ABHAY S. WAGHWASE, J.]**

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