



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

CRIMINAL APPLICATION NO. 4370 OF 2023

M/S HANUMAN DAL INDUSTRIES ORIGINAL ACCUSED THROUGH ITS
PARTNERS AND OTHERS

VERSUS

AGRAWAL TREADING COMPANY THROUGH ITS PROPRIETOR
VIKRAM GOPALDAS AGRAWAL

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Advocate for Applicants : Mr. Amol S. Gandhi

Advocate for Respondent : Mr. V. A. Bagdiya

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CORAM : SACHIN S. DESHMUKH, J.

DATE : 12-09-2025

PER COURT:-

1. Heard.

2. The application is presented challenging the order rendered by the learned Judicial Magistrate First Class, Hingoli, in Summary Criminal Case No.602 of 2018, dated 12.12.2018, issuing process against the applicants under Section 138 of the Negotiable Instruments Act. Similarly raising challenge to the order of issuing process, the petitioners have presented a revision application before the learned Additional Sessions Judge, Hingoli with an application seeking condonation of delay in filing said revision application, which is rejected by the learned Sessions Judge, Hingoli.

3. The petitioners raises two fold challenge one in relation to order of issuing process by the learned Magistrate as well as the order of the learned Sessions Judge refusing to condone the delay.

4. Admittedly, when the petitioners have presented the revision before the Sessions Court raising challenge to the order of issuing process rendered by the learned Magistrate. As such, the prayer in relation to same challenge cannot be considered by this Court. When confronted with the same, the learned counsel does not press the challenge in that regard.

5. Whereas, the order rejecting application seeking condonation of delay in filing revision application warrants consideration. As the technicalities shall not defeat the substantial justice, the delay occurred in filing revision application is sufficiently explained by the applicants. Therefore, same deserves to be condoned.

6. Accordingly, the criminal application is partly allowed.

7. The application seeking condonation of delay is allowed.

8. The learned Additional Sessions Judge, Hingoli, shall decide the revision application on its own merit.

[SACHIN S. DESHMUKH, J.]