

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1973 OF 2025

Vasantdada Sahakari Sakhar
Karkhana Ltd Through Chairman ...Petitioner
Versus
Brup Chem (india) Ltd
Through Bharat Ramesh Jadhav ...Respondent

Mr. Kuldeep Nikam for the petitioner
Ms. P. S. Rane APP for the State
Mr. Nakul Shukla for the respondent

CORAM : SHIVKUMAR DIGE, J.
DATE : 18th SEPTEMBER 2025

P.C.

1. This writ petition is preferred against the order passed by learned Additional Sessions Judge, Kolhapur below Exhibit 1 in Criminal M. A. No. 127 of 2023 thereby rejecting delay condonation application preferred by the petitioner.

2. It is the contention of learned counsel for the petitioner that the respondent has filed a private complaint against the petitioner which is pending before learned Judicial Magistrate First Class (for short 'JMFC') Kolhapur. In the said complaint, Issue process order was

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ordered by learned JMFC. The said order was challenged by the petitioner before the learned Sessions Judge after receiving summons. On paper there is delay of 3 years, 4 months and 28 days but it is not actual delay as the petitioner came to know about the order of issue process passed by the learned JMFC in July 2023 and after receiving the said order, immediately on 18th July 2023, the petitioner challenged the said order before learned Sessions Judge. But this fact is not considered by the learned Sessions Judge, and he has considered the delay period from passing of issue process order which is erroneous. Hence, requested to allow the writ petition.

3. It is the contention of learned counsel for respondent no. 1 that the petitioner was aware about the order of issue process passed by the learned JMFC. The Rozanama of the learned JMFC produced before this Court shows that advocate of the petitioner was present on several dates before the learned JMFC. No reasonable explanation was given for the delay period. Learned Sessions Judge has passed a well reasoned order. No interference is required in it.

4. I have heard both the learned counsel. Perused the impugned order. The Rozanama produced on record dated 11th July 2023 shows that summons was served on the petitioner. Previous dates Rozanama

shows that awaited report of summons. It shows that summons of issue process order served on the petitioner on 11th July 2023 and thereafter, on 18th July 2023, the said order was challenged. But this fact is not considered by the learned Sessions Judge. Hence, I pass following order:

ORDER

- I. Writ Petition is allowed.
- II. The impugned order dated 25th February 2025 passed below Exhibit 1 by learned Additional Sessions Judge, Kolhapur in Criminal Misc. Application No. 127 of 2023 is quashed and set aside.
- III. There is no delay for challenging the issue process order.
- IV. Learned Sessions Judge shall decide the issue process order on its own merits.
5. Writ Petition is disposed of.

(SHIVKUMAR DIGE, J.)