

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 3873 OF 2025**

Aadil Ibrahim Mhaskar

...Petitioner

Versus

Sikandar Sharad Chavekar And Anr

...Respondents

Mr. Machhindra A. Patil, Mr. Jaydeep Shringare Advocate for the Applicant

Mr. A. S. Shalgaonkar APP for the State

CORAM : SHIVKUMAR DIGE, J.

DATE : 17th NOVEMBER, 2025.

P.C.

1. The challenge in this petition is a rejection of delay condonation application vide order dated 8th July 2025 passed by the learned Sessions Judge, Ratnagiri below Exhibit 1 in Cri. Application No. 21 of 2025.

2. It is the contention of learned counsel for the petitioner that the petitioner is convicted by the learned Judicial Magistrate First Class, Ratnagiri under Section 138 of Negotiable Instruments Act ('NI Act'). The petitioner challenged the said order before the learned Sessions Judge, but there was delay of 61 days for filing the appeal. The petitioner had filed application for condonation of delay, but the learned Sessions Judge has rejected the said application. The order

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passed by the learned Sessions Judge is erroneous. Hence, requested to allow the petition.

3. It is the contention of learned APP that the learned Sessions Judge has passed a well reasoned order. No interference is required in it and requested to dismiss the petition.

4. Though contesting respondent no. 1 is served, none present for the contesting respondent. Hence, I am deciding this petition on merit. I have heard both the learned counsel. Perused the impugned order. Admittedly, the petitioner has been convicted under section 138 of NI act. He has preferred the appeal. There is delay of 61 days for filing the appeal. While passing the order, the learned Sessions Judge has observed that no reasonable grounds were given for condonation of delay. On that ground, the learned Sessions Judge has rejected the application. I am unable to understand the observations of the learned Sessions Judge. The petitioner has a fundamental right to challenge the conviction. The learned Sessions Judge should have considered this fact.

5. Considering this, I pass following order.

ORDER

I. Writ Petition is allowed.

II. Order dated 8th July 2025 passed by the learned Sessions Judge, Ratnagiri below Exhibit 1 in Cri. Application No. 21 of 2025 is quashed and set aside.

III. The delay of 61 days for filing the appeal is condoned.

6. Writ Petition is disposed off in above terms

(SHIVKUMAR DIGE, J.)