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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.3137 OF 2024
IN
CRIMINAL APPLICATION NO.1293 OF 2017

Tansukhlal P. Jain ...Applicant

IN THE MATTER BETWEEN :

Tansukhlal P. Jain ...Applicant

Versus

The State of Maharashtra & Ors. ...Respondents

....

Mr.S.V. Chatuphale with Mr.R.W. Correia for the Applicant.

Mr.V.B. Konde-Deshmukh , APP for the State – Respondent.

Mr.Sandeep Mahadik i/b Mr.Vijay Gharat for Respondent No.2.

....

**CORAM : RAVINDRA V. GHUGE &
GAUTAM A. ANKHAD, JJ.
DATE : 8TH AUGUST, 2025.**

P.C. :-

1. This Application is filed with a delay of 72 days, for seeking restoration of Criminal Application no. 1293 of 2017 which was dismissed on account of default, vide order dated 16th

April, 2024.

2. The learned Advocate appearing for the original Complainant and the learned APP, submit that the Application deserves to be rejected. The delay is of 72 days and the Applicant should be explaining each and every day's delay. If the reasons for condonation are not justified, the Application needs to be dismissed with heavy costs.

3. The Hon'ble Supreme Court has settled the law in *Collector, Land Acquisition, Anantnag & Anr. vs. Mst. Katiji & Ors. AIR 1987 SC 1353*, concluding that every day's delay is not to be explained. When the rights of the parties are being considered, they should not be pitted against technicalities. In such cases, a pragmatic approach has to be adopted, rather than taking a pedantic view. A similar view is taken in *Esha Bhattacharjee vs. Managing Committee of Raghunathpur Nafar Academy & Ors. (2013) 12 SCC 649*.

4. In view of the above and for the reasons set out, the **Application is allowed**. Delay is condoned. The Criminal

Application is restored at the stage at which it was dismissed.

CRIMINAL APPLICATION NO. 1293 OF 2017

5. **Issue notice to the un-served Respondents,** returnable on 12th September, 2025. The learned advocate waives service of notice on behalf of the un-served Respondent Respondent No.2 (original Complainant).

6. Leave to file affidavit in reply at least one week prior to the next date.

7. The Criminal Application is restored at the stage at which it was dismissed.

8. List the Criminal Application for hearing on 26th August, 2025.

(GAUTAM A. ANKHAD, J.) (RAVINDRA V. GHUGE, J.)