



Gaikwad RD

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 964 OF 2025

Mayur Ratilal Suchak & Anr.

...Petitioners

Versus

The State of Maharashtra & Anr.

...Respondents

Mr. Ashwin Shete, with *Mr. Abhay Dhadiwal, Mr. Santosh Avhad & Ms. Dhvani Parekh, i/b. Jaykar & Partners, for the Petitioners.*

Mr. B. B. Kulkarni, APP, for the Respondent No.1-State.

Mr. Benny Joseph, with *Ms. Pallavi Kaamath & Mr. Aditya Shenoy, i/b. BJ Law Offices LLP, for the Respondent No.2.*

CORAM Dr. Neela Gokhale, J.

DATED: 14th July 2025

PC:-

1. The Petitioners by way of the present Petition seeks quashing of order dated 16th December 2024 passed by the Additional Sessions Judge, Court Room No.87, City Civil and Sessions Court, Mazgaon, Mumbai in Criminal Miscellaneous Application No.974 of 2024. He also seeks stay to the proceedings in Criminal Complaint No.355/SS/2023 pending before the Judicial Magistrate First Class, 28th Court,

Esplanade, Mumbai during the pendency of the present petition.

2. By way of the impugned order, the Sessions Court has rejected the delay condonation application made by the Petitioners seeking condonation of 75 days delay in making the revision application.

3. Mr. Ashwin Shete, learned counsel appears for the Petitioners, Mr. Benny Joseph, learned counsel appears for the Respondent No.2 and Mr. Kulkarni, APP represents the Respondent No.1-State.

4. Heard learned counsel for the parties and perused the record with their assistance.

5. The facts of the case reveal that a criminal complaint was filed before the JMFC, 28th Court, Esplanade, Mumbai by the Respondent No.2 herein on 13th June 2023. By an order dated 3rd August 2023, the JMFC issued process against all the accused, i.e., the Petitioners herein. On 30th April 2024, the Petitioners filed a revision application before the learned

Additional Sessions Judge alongwith an application seeking condonation of delay of 75 days. However, the Additional Sessions Judge by the impugned order rejected the said application for condonation of delay.

6. It is the contention of the Petitioners that the Petitioners learnt of the impugned order only on 1st February 2024, when his counsel was conducting an online search of the other matters. He also submits that immediately, he applied for the certified copies of the impugned order and the the complaint on 8th February 2024 and the certified copies were ready and supplied to him on 21st February 2024. It is his submission that the Petitioners are Directors of the accused No.1-company which is undergoing Corporate Insolvency and Bankruptcy Process ('CIRP') before the National Company Law Tribunal ('NCLT'). In addition, he states that the Petitioner No.1 was unwell and was advised bed rest for a period of eight weeks from 24th October 2023. Thus, there was a delay in making the revision application. He submits that the delay in making

the revision application is inadvertent and there was no deliberate intention of causing the said delay.

7. Mr. Joseph, learned counsel appearing for the Respondent No.2 contested the petition and states that these are only the dilatory tactics employed by the Petitioners to delay the hearing of the complaint. He further states that altogether the Respondent No.2/complainant has a legal debt of approximately Rs.50 Crores from the Petitioners. He thus prays for dismissal of the petition.

8. Admittedly, the company of the Petitioners is undergoing CIRP proceedings before the NCLT. The NCLT by its order dated 2nd May 2023 had admitted the Company Petition (IB) No.308 of 2022 filed by the creditors of the Petitioner-company. Furthermore, by an order dated 30th November 2023, an interim moratorium is also granted by the NCLT, Mumbai in respect of the Petitioners. Admittedly, the order passed by the Magistrate is dated 3rd August 2023. The CIRP proceedings were pending at the time when this order was

passed by the Magistrate. I am satisfied that the delay in making the revision application was not deliberate and was an advertent delay.

9. For the reasons stated by the Petitioners in the delay condonation application before the Revision Court as well as the averments in the present petition, the Petition is allowed, subject to the Petitioners paying Rs.25,000/- to the Respondent No.2-complaint within the period of three weeks from the date on which the present order is uploaded. He shall pay the said amount directly in the account of the Respondent No.2-complainant by NEFT.

10. Mr. Joseph, learned counsel appearing for the Respondent No.2 will furnish the details of the bank account of the Respondent No.2 to the learned counsel for the Petitioners by tomorrow.

11. Accordingly, the petition is allowed and disposed off.

12. The Additional Sessions Judge is requested to hear and decide the revision application expeditiously.

13. All parties to act on an authenticated copy of this order.

14. It is made clear that I have not gone into the merits of the complaint and as such, all contentions of all the parties are left open.

(Dr. Neela Gokhale, J)