

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.2262 OF 2025
IN
CRIMINAL APPEAL [STAMP] NO.12704 OF 2025**

Divyesh Rajendra DesaiApplicant

Versus

Ashwin Kantilal Gohil
and anotherRespondents

Mr. Ayush Pasbola, Advocate a/w. Swaraj Sable, Lisa Das i/b.
Jay & Co. for the Applicant.

Ms. Supriya Kak, APP for the Respondent No.2-State.

**CORAM : SARANG V. KOTWAL &
SHYAM C. CHANDAK, JJ.**

DATE : 14th OCTOBER, 2025

P.C. :

1. This is an Application for condonation of 63 days' delay in challenging the order dated 25.2.2025 and 55 days in challenging the order dated 26.3.2025. In this Application, the notice was issued to the Respondent No.1. The office note shows that he was served but he has not made any arrangement to represent himself before the Court. Therefore, we have heard learned counsel for the Applicant and the learned APP.

2. The impugned orders in the Appeal are passed by the Special Judge under MOCO Act, Sessions Court, Mumbai in Special Case No.1276/2021. By these two impugned orders, the Respondent No.1 was discharged from the offences punishable under Sections 3(1)(ii), 3(2), 3(4) of the Maharashtra Control of Organised Crime Act, 1999 (for short, 'MCOC Act') and subsequently from the charges of offences punishable under Sections 307, 324, 326, 504, 506(2), 120-B, 143, 144, 147, 148, 149, 188, 269 of IPC and under Sections 37(1) and 135 of the Maharashtra Police Act and under Section 4(25) of the Arms Act in connection with C.R. No.63/2021 registered with the Crime Branch Unit-XI, MHB Colony Police Station C.R. No.599/2021.

3. Learned counsel for the Applicant submitted that inadvertently the Applicant had preferred Revision Application challenging both these orders. However, subsequently it was realized that the proper remedy would be an Appeal under Section 12 of the MCOC Act and, therefore, the Revision Application, which was filed, was withdrawn with liberty to file

Criminal Appeal. Therefore, there is delay in filing the Appeal.

4. Considering these submissions and since the learned APP is supporting the learned counsel for the Applicant, who is the victim, we are inclined to allow this Interim Application.

5. Hence, the following order:

:: O R D E R ::

- i. The delay of 63 days in preferring the Appeal challenging the order dated 25.2.2025 and 55 days in challenging the order dated 26.3.2025, is condoned.
- ii. The Appeal be processed further.
- iii. Interim Application is disposed of accordingly.

(SHYAM C. CHANDAK, J.)

(SARANG V. KOTWAL, J.)

Deshmane (PS)

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