

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

**INTERIM APPLICATION NO.2295 OF 2025
IN
CRIMINAL APPEAL (STAMP) NO.12820 OF 2025**

Divyesh Rajendra DesaiApplicant
Versus
Vivek Chandrakant Manjrekar
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 delay of 103 days in filing the Appeal against the order dated 6.2.2025 passed by the learned Special Judge under MCOC Act, Greater Mumbai in Special Case No.1276/2021. By the impugned order, the Respondent No.1 was discharged from the charges of commission of the offences punishable under Sections 3(1)(ii), 3(2), 3(4) of the MCOC Act.

2. The office note in the Appeal itself shows that the notice of Appeal along with Interim Application was duly

served on the Respondent No.1. However, the Respondent No.1 has not made any arrangement to represent himself before this Court in this Application. Therefore, we have heard learned counsel for the Applicant as well as the learned APP.

3. Learned counsel for the Applicant submitted that the Applicant is a victim in the offence. Initially he had filed a Revision Application before this Court inadvertently. The proper remedy would be an Appeal under Section 12 of the MCOC Act and, therefore, the said Revision Application was withdrawn with liberty; and subsequently this Criminal Appeal is filed. Therefore, there was delay of 103 days in filing the Appeal.

4. Considering these submissions, the delay of 103 days in filing the Appeal is condoned. The Appeal be processed further. Interim Application is disposed of accordingly.

(SHYAM C. CHANDAK, J.)

(SARANG V. KOTWAL, J.)

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