

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

**INTERIM APPLICATION NO.2309 OF 2025
IN
CRIMINAL APPEAL (STAMP) NO.12929 OF 2025**

Divyesh Rajendra DesaiApplicant
Versus
Mukesh Chunnilal Bhatia
and anotherRespondents

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

Mr. Shekhar Jagtap, Advocate for the Respondent No.1.

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 113 days in filing the Appeal against the impugned order dated 27.1.2025 passed by the learned Special Judge under MCOC Act, Greater Mumbai in Special Case No.1276/2021. The Respondent No.1 was discharged from the charges of

commission of offences punishable under Sections 3(1)(ii), 3(2), 3(4) of the Maharashtra Control of Organised Crime Act, 1999 (for short, 'MCOC Act').

2. Heard Mr. Ayush Pasbola, learned counsel for the Applicant, Mr. Shekhar Jagtap, learned counsel for the Respondent No.1 and Ms. Supriya Kak, learned APP for the Respondent No.2-State.

3. Mr. Shekhar Jagtap, learned counsel appears for the Respondent No.1. He submitted that no sufficient grounds are made out for condoning the delay. Therefore, he opposes this Application.

4. Learned counsel for the Applicant submitted that inadvertently Criminal Revision Application No.201/2025 was filed before this Court challenging the impugned order. Subsequently, it was realized that Criminal Appeal would lie under Section 12 of the MCOC Act. Therefore, said Revision Application was withdrawn with liberty to file an Appeal. Consequent to that order, the present Appeal is filed.

Therefore, there was delay of 113 days in filing the Appeal.

5. Learned APP is supporting the Applicant's case as the Applicant is the victim.

6. Considering these submissions and in the interest of justice, delay of 113 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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