



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL WRIT PETITION NO.973 OF 2024

PETITIONER : 1 Mohd. Naim Patel S/o. Abdul Rahim
) Aged about 49 years, Occu: Mechanic,
 R/o. Gujari Bazar, Jama Masjid,
 Kamptee, Tehsil Kamptee,
 District Nagpur.

..VERSUS..

RESPONDENTS : 1) State of Maharashtra
 Through Police Station Officer,
 Kamptee (New)
 District Nagpur
 2) Ejaj Ahmed S/o. Abdul Jabbar,
 Aged about 46 years, Occu: Self
 Employed, R/o. Kasaipura,
 Near Choudhary Masjid. Kamptee,
 District Nagpur

Mr. T.A. Mirza, Advocate for petitioner
Mr. M.J. Khan, APP for the respondent/State

CORAM : ANIL S. KILOR, J.

DATE : 6th MARCH, 2025

ORAL JUDGMENT

1. Heard.

2. **Rule.** Rule is made returnable forthwith. Heard finally by consent of learned counsel for the parties. None

appears for the respondent No.2, though served long back and sufficient opportunity was granted.

3. This petition takes exception to the order below Exh. 1 dated 03.01.2024 passed by the Additional Sessions Judge-14, Nagpur, in Misc. Criminal Application No. 131/2023, rejecting the application moved by the petitioner for condonation of delay to file criminal revision application against the order dated 06.10.2022, passed by the learned Judicial Magistrate First Class, Kamptee, refusing to exercise the discretion under Section 156(3) of the CrPC.

4. Learned counsel for the petitioner points out that sufficient reasons were stated in the application for condonation of delay, namely, his counsel informed of the passing of the order dated 06.10.2022 in the month of December 2022, and thereafter, the application was made for a certified copy on 19.01.2023, which was received on 08.02.2022, and the revision application was filed on 24.03.2022. It is submitted that in this process, a delay has been caused of 73 days.

5. Despite the same, the learned Revisional Court, while rejecting the application, has recorded that no reasons are given for such delay and the application is vague.

6. Considering the explanation provided by the petitioner in the application for condonation of delay, I am of the opinion that the learned Revisional Court ought to have allowed the application. Accordingly, I pass following order:

- (i) The writ petition is **allowed**.
- (ii) The order below Exh.1 dated 03.01.2024 passed by the Additional Sessions Judge-14, Nagpur, in Misc. Criminal Application No. 131/2023, is hereby quashed and set aside and thereby, the application for condonation of delay, preferred by the petitioner, namely Misc. Criminal Application No. 131/2023, is allowed.

Rule accordingly.

(ANIL S. KILOR, J.)