



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION NO. 797/2025 IN
CRIMINAL APPLICATION (ST) NO. 7897/2025 (LEAVE) IN
CRIMINAL APPEAL (ST) NO. 7894/2025

(Tarandeepsingh S/o Gurdeepsingh Rajpal Vs. Swaroop S/o Vinod Tiwari & anr.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. C. Deopujari, Advocate for applicant/appellant.
Mr. A. M. Joshi, APP for non-applicant No.2.

CORAM: M. M. NERLIKAR, J.
DATED : 17/12/2025.

Heard.

2. The present application is filed for condonation of delay of 673 days in filing the appeal against the order dated 01.07.2023, wherein the complaint of the applicant was dismissed for non-prosecution. The said complaint was filed under Section 138 of the Negotiable Instruments Act. Though the non-applicant/respondent is duly served, none appeared for the respondent.

3. The learned counsel appearing for the applicant submits that the impugned order was passed on 01.07.2023. However, under the wrong advise, revision application was filed before the Sessions Court on 13.07.2023. However when the applicant got knowledge that the revision would not be maintainable, therefore the said revision application was withdrawn on 03.03.2025. He submits that thereafter, he has searched Advocate in Nagpur. As he is working in Raipur, he was not able to engage the Advocate in time. He submits that the delay is not deliberate or intentional and only circumstantial.

4. It appears that the impugned order was passed on 01.07.2023, however immediately, he has preferred the revision application before the Sessions Court dated 13.07.2023. It appears that he has withdrawn the said revision application on 03.03.2025 as the applicant was perusing wrong remedy i.e. revision before the Sessions Court. Therefore, considering this position, it could be gathered that the benefit of Section 14 of the Limitation Act could be granted to the applicant.

5. Further, so far as the delay from 03.03.2025 to 04.07.2025 i.e. till filing of the present application/appeal does not seem to be deliberate or intentional, it is circumstantial as could be gathered from the submission of the applicant that he is working at Raipur and therefore, he was unable to contact with the Advocate in Nagpur.

6. It is further to be noted that applicant has shown sufficient cause and given proper explanation in order to explain the delay.

7. Considering the above facts and circumstances of the case, I am inclined to condone the delay of 673 days in filing the present appeal.

8. Application stands allowed and disposed of.

CRIMINAL APPLICATION (ST) NO. 7897/2025 (LEAVE)

1. Issue notice to the non-applicant returnable on 14.01.2026. The learned APP waives service of notice to the non-applicant No.2.

(M. M. NERLIKAR, J.)