



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

**CRIMINAL WRIT PETITION NO. 407 OF 2025**

Gajanan Govardhan Bisen

Vs.

State of Maharashtra

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Office Notes, Office Memoranda of  
Coram, appearances, Court's Orders  
or directions and Registrar's order

Court's or Judge's Order

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Shri Amol K. Dobade, Advocate appointed for petitioner.  
Shri N. R. Rode, APP for respondent/State.

**CORAM :- M. W. CHANDWANI, J.**

**DATED :- 09.05.2025**

Heard.

2. The order dated 09.09.2024 passed by learned Additional Sessions Judge, Gondia (for short, "ASJ") imposing costs of Rs.1,000/- while allowing the application for condonation of delay is under challenge in this petition.

3. The petitioner filed the application for releasing an amount of Rs.20,000/- seized by the Police and also de-freezing the bank accounts of his son and the wife. The Trial Court allowed de-freezing of the bank accounts however, refuse to pass the order regarding release of Rs.20,000/-. Feeling aggrieved, a revision came to be filed along with the application for condonation of delay, which came to be allowed by the impugned order subject to deposit of the costs of

Rs.1,000/- within two months from the date of the order. However, the petitioner could not deposit the costs within two months and in wake of the conditional order, the application for condonation of delay came to be dismissed. Hence, the petitioner approach this Court.

4. The contention is that the petitioner is a poor person and considering the reasons given in the application for condonation of delay, the learned ASJ ought not to have imposed the costs and in the alternative time is sought by the petitioner to deposit the costs on the ground that the petitioner was not present at the time of passing of the order by the learned ASJ and was not aware about imposing of the costs and it was communicated to him later on. Therefore, due to non-deposit of the costs of Rs.1,000/- within two weeks, the application for condonation of delay got dismissed due to conditional order passed by the learned ASJ.

5. This is an example that judicial process are tedious. A person wants to redress his grievance valued Rs.20,000/- has to undergo various processes. Be that as it may, the legislations are made considering the interest of public at large and therefore, nobody can be blamed for it. Since, the learned ASJ recorded negligence on the part of the petitioner in approaching the Court, for causing the delay, he has imposed the costs of Rs.1,000/-.

6. Considering the submissions made by the learned counsel for the petitioner that the petitioner is a

poor person and the order, which is under challenge is for releasing an amount of Rs.20,000/- and for getting this issue redressed, a person from the remote place Thana of Gondia District approached this Court by way of the present Writ Petition for getting his revision to be entertained. Even, he sought the counsel from the Legal Aid Panel and might have travelled to Nagpur also. This itself is evident of his financial status.

7. Considering his financial condition and his sufferings in filing the proceedings before the Courts including this Court, the order of imposing the costs of Rs.1,000/- by the learned ASJ is set aside. The rest of the order will remain as it is.

8. It is to be noted that the learned ASJ shall not be influenced by the sympathy shown by this Court in favour of the petitioner and shall decide the revision on its own merits.

9. In the above said terms, the petition is partly allowed.

10. The Secretary, High Court Legal Services Sub-Committee, Nagpur shall quantify the fees of learned counsel appointed to represent the petitioner.

(M. W. CHANDWANI, J.)