IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION (FOR CONDONATION OF DELAY) NO. 24686 of 2026

In F/CRIMINAL MISC.APPLICATION/9667/2025
In R/CRIMINAL REVISION APPLICATION/745/2021

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MEGHA GRUH UDHYOG THROUGH HANSABEN VINUBHAI PATEL

Versus

STATE OF GUJARAT & ANR.

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Appearance:
SHIVAM H CHOKSHI(9120) for the Applicant(s) No. 1
MS BARKHA R MAHESHWARI(10484) for the Respondent(s) No. 2
MS. C.M. SHAH, APP for the Respondent(s) No. 1

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CORAM:**HONOURABLE MS. JUSTICE S.V. PINTO**

Date : 22/10/2026

ORAL ORDER

1. **Rule**. Learned APP waives service of rule for the Respondent State.

2. Heard learned advocate Mr. Shivam H. Chokshi, appearing through online mode, for the applicant.

3. The present application seeks condonation of delay of 95 days in preferring the accompanying Criminal Misc. Application No.9667 of 2025 for restoration of Criminal Revision Application No.745 of 2021, challenging the judgment and order passed by the learned Sessions Judge

affirming the conviction and sentence recorded by the learned Trial Court.

4. Learned advocate for the applicant submits that at present, the applicant is in jail undergoing the sentence since 17.07.2026 and has explained the delay by stating that after pronouncement of the impugned judgment, certified copies were obtained, legal advice was sought and necessary documents required for filing the revision application were collected. It is contended that the delay was neither intentional nor deliberate but occasioned due to circumstances beyond the control of the applicant.

5. Learned APP for the respondent opposed the application contending that the explanation is not satisfactory and that the applicant has failed to demonstrate sufficient cause warranting condonation of delay.

6. I have considered the submissions and perused the material placed on record.

7. The law relating to condonation of delay is no longer res integra. In **Collector, Land Acquisition, Anantnag v. Mst. Katiji** reported in **(1987) 2 SCC 107**, the

Hon’ble Supreme Court has observed that a liberal approach should ordinarily be adopted while considering applications for condonation of delay so as to advance substantial justice. The Court observed that refusal to condone delay may result in a meritorious matter being thrown out at the threshold and cause of justice being defeated.

8. In **N. Balakrishnan v. M. Krishnamurthy** reported in **(1998) 7 SCC 123**, the Supreme Court has observed that the length of delay is not material; what is material is the acceptability of the explanation. It was further held that unless mala fides or gross negligence are imputable to the party seeking condonation, the Court should lean in favour of deciding matters on merits.

9. The Supreme Court has also reiterated in several subsequent decisions that while “sufficient cause” must be established, the expression should receive a pragmatic and justice-oriented interpretation where refusal to condone delay would result in denial of a statutory remedy and where no serious prejudice is demonstrated by the opposite side.

10. In the present case, the delay is of 95 days. The explanation furnished by the applicant cannot be said to be

lacking in bona fides. There is nothing on record to indicate that the delay was deliberate, intentional or actuated by any ulterior motive. Equally, no irreparable prejudice is shown to be caused to the respondent if the delay is condoned. On the contrary, refusal to condone the delay would result in the applicant being deprived of an opportunity to challenge the impugned judgment on merits in exercise of the revisional jurisdiction of this Court.

11. Having regard to the nature of the proceedings, the fact that at present, the applicant is in jail undergoing the sentence since 17.07.2026, the explanation tendered by the applicant and the principles laid down by the Hon’ble Supreme Court, this Court is satisfied that sufficient cause has been made out for condonation of delay. Accordingly, the application is allowed.

12. The delay of 95 days in filing the Criminal Misc. Application No.9667 of 2025 for restoration of Criminal Revision Application No.745 of 2021, is hereby condoned.

13. Rule is made absolute in the aforesaid term.

(S. V. PINTO,J)

ROHAN SONI

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: ROHAN SONI(HC02356), ENGLISH STENO GRADE-II\, at High Court of Gujarat on 22/10/2026 14:06:55