



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO. 1824 OF 2025
IN REVNST/5063/2025**

Anil S/o Nirmalchand Oswal
Age: 47 years, Occu.: Business,
R/o. C/o. Aadi Enterprises, Shop No.L/S/3,
Laxi Sankul, Besides Sant Eknath Rang Mandir,
New Osmanpura, At Post Dist. Aurangabad.Applicant

Versus

Deepsing S/o Preetamsing Sodhi
Age: 39 years, Occu.: Business,
R/o. : Sodhi Niwas Surananagar,
Jalna Road, At. Post. District Aurangabad.Respondent

.....
Advocate for Applicant : Mr. Sunny Santosh Khivansara
Advocate for Respondent : Mr.Rahul Kasat (through VC) h/f.
Mr.Aditya N. Sikchi
.....

CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 12 MARCH, 2026

PRONOUNCED ON : 16 MARCH, 2026

ORDER :

1. Original complainant has preferred instant application for condonation of delay of 294 days caused in filing revision against the judgment and order dated 10-11-2023 passed by learned Additional Sessions Judge, Aurangabad in Criminal Appeal No.87 of 2018.

2. Learned counsel for the applicant pointed out that SCC No.3500 of 2010 was instituted by present applicant against respondent for commission of offence under Section 138 of the

Negotiable Instruments Act (NI Act). That, the said case was decided by judgment and order dated 16-04-2018 by the learned Judicial Magistrate First Class, Court No.19, Aurangabad, convicting the accused for offence under Section 138 of the NI Act. That, against the same, accused preferred Criminal Appeal No.87 of 2018 before the learned Additional Sessions Judge, Aurangabad, and the said appeal was allowed by Judgment and order dated 10-11-2023 and accused came to be acquitted from the offence under Section 138 of the NI Act. It is further submitted that against the said decision, revision has to be preferred, however, there is delay in preferring revision. Learned counsel pointed out that First Appellate Court passed the judgment and order on 10-11-2023. That, immediately steps were taken for applying for certified copy and even concerned Section was approached, but the said Section had not received copy of the judgment till 05-01-2024. That, applicant was taking continuous follow up, but the certified copy was not issued till 06-01-2024. That, on 05-01-2024, copy of the judgment was received by said Section. That, thereafter, necessary charges were paid. That, there was no fault on the part of the applicant. That, immediately after receiving copy, steps are being taken for filing revision, however, there is delay of 294 days, which is attributable to

above reason and therefore, said delay is sought to be condoned.

3. Learned counsel for respondent accused strongly opposed application and would point out that there is no plausible explanation for delay. That, so called explanation given in paragraph 5 of the application is incorrect. He further pointed out that, there is nothing to show that concerned Section of the Court had not received copy of judgment. Moreover, he points out that applicant has himself stated that copy of the judgment was received on 06-01-2024, however, in spite of receiving the certified copy on 06-01-2024, no steps are immediately taken thereafter also for filing revision. There is delay over nine months and therefore, for above reasons, he strongly opposes for condonation of delay.

4. After considering the above submissions and on going through the record, there is no dispute that present applicant was complainant in SCC No.3500 of 2010 and the same has been decided on 16-04-2018 holding accused guilty for the offence under Section 138 of the NI Act. There is further no dispute that against the said judgment and order, accused had preferred Criminal Appeal bearing No.87 of 2018 before the Additional Sessions Judge, Aurangabad and the same was allowed by judgment and order dated 10-11-2023

and accused came to be acquitted from the offence under Section 138 of the NI Act.

Therefore, apparently impugned order, which is sought to be challenged is of 10-11-2023. Revision, if at all was intended to be filed, it ought to have been filed within justifiable period. However, the same was not done, rather after receipt of certified copy of judgment on 06-01-2024, no immediate steps are taken for filing revision. Apparently almost nine months period has lapsed since even receipt of the certified copy of the judgment. Whatever reasons are quoted in paragraph 5 of the application has no direct bearing on the delay wherein delay has tried to be attributed to Section of the Court for not receiving copy of the judgment.

However, even after receipt of the certified copy of judgment on 06-01-2024, applicant ought to have immediately approached this Court. Delay is of 294 days and it being huge and there being strong resistance and oppose, present application deserves to be rejected. Hence, following order :

ORDER

Application is rejected.

(ABHAY S. WAGHWASE)
JUDGE