



IN THE HIGH COURT OF BOMBAY AT GOA.

CRIMINAL WRIT PETITION NO.24 OF 2026

Mr. Balkrishna Dattaram Marathe
alias Sunil Dattaram Marathe
48 years of age, Married, Indian National,
r/o. H. No.11, Nanoda, Bambar,
V. P. Nagargao, Sattari-Goa

... PETITIONER.

~ VERSUS ~

1. Mr. Madhav Kelkar
56 years of age, Married, Indian National,
Service,
s/o. Late Bhalchandra Ramkrishna
Kelkar,
r/o. L-35, Goa Housing Board Colony,
Alto Porvorim, Bardez, Goa.
2. State of Goa,
Through Public Prosecutor,
High Court Complex, Porvorim, Goa.

...RESPONDENTS

APPEARANCES:

for the Petitioner

***Mr. Dinesh Naik with Ms. S. Arabekar
and Mr. Richal Shirodkar, Advocates.***

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Petitioner seeking condonation of the delay in filing the Revision Application challenging the order dated 16/10/2023 passed by the Learned JMFC, Panaji.

5. The facts stated in the petition and narrated during the hearing of the petition are as follows:

- I. On 28/01/2017, the 1st Respondent filed a complaint against the Petitioner under Section 420 of the Indian Penal Code, alleging that the Petitioner had made a false statement regarding ownership of the subject property in the affidavit-cum-NOC dated 04/01/2016.
- II. After the complaint was filed, the Petitioner filed an application seeking discharge from the proceedings, which was dismissed on 16/10/2023. Thereafter, the Petitioner filed a Writ Petition before the Division Bench of this Court seeking the quashing of the private complaint filed by the 1st Respondent. The said Petition came to be disposed of by an order dated 10/06/2025. The rival submissions are recorded in the order dated 10/06/2025 passed by the Division Bench in Criminal Writ Petition No.8/2025, which read as follows:

“1. The learned counsel for respondent no. 1 has invited our attention to the order passed by the Judicial Magistrate First Class, ‘F’ Court at Panaji-Goa, upon an application filed by the petitioner seeking discharge.

The application dated 01/12/2022 came to be decided on 16/10/2023 and, by a reasoned order, discharge is refused with specific observations that the accused is neither the co-owner nor does he have any right to the said property.

Admittedly, the passing of this order dated 16/10/2023 is not disclosed in the petition.

2. Being confronted with the aforesaid order, the learned counsel for the petitioner seek liberty to raise a challenge to the said order by filing appropriate proceedings.

*3. **By reserving the aforesaid liberty, the criminal writ petition stands disposed of.”***

(emphasis supplied)

6. It is clear from the above-quoted order that the Division Bench was pleased to grant liberty to the Petitioner to challenge the order dated 16/10/2023 passed by the learned JMFC, Panaji.

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7. After the order dated 10/06/2025 passed by the Division Bench, the Petitioner, on 23/06/2025, filed the Revision Application before the learned Judge. The Registry of the Learned Judge raised an objection that the Revision could not be registered without condonation of delay. In such circumstances, the Petitioner was constrained to file an application seeking condonation of the delay. The said application was heard by the learned Judge, and by the impugned order, the learned Judge was pleased to dismiss the application seeking condonation of delay.
8. The order passed by the Division Bench on 10/06/2025, in no uncertain terms, grants liberty to the Petitioner to challenge the order dated 16/10/2023 passed by the learned JMFC, Panaji, whereby the Petitioner's application seeking discharge was dismissed.
9. In view thereof, the Registry of the learned Judge had no authority to insist the Petitioner to file an application for condonation of delay. The proceedings initiated at the instance of the Registry of the learned Judge are contrary to the order passed by the Division Bench on 10/06/2025. In view of the liberty granted by the Division Bench on 10/06/2025 in Criminal Writ Petition No.8/2025 there was no delay in filing of the revision application.

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10. In view thereof, the impugned order dated 22/07/2025 is quashed and set aside. The Registry of the learned Judge is directed to register the Revision Application filed by the Petitioner, and the same shall be decided in accordance with law on its own merits.
11. **The Rule is made absolute in the above terms. The Petition is disposed of.**
12. No order as to cost.
13. This order will be digitally signed by the Private Secretary/Personal Assistant of this Court. All concerned will act on the production by fax or email of a digitally signed copy of this order.

[AMIT S. JAMSANDEKAR, J.]