IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
CRI-INTERIM APPLICATION NO. 416 OF 2026
IN
CR. REVISION APPLICATION NO. 248 OF 2005

Shri Popatrao Ramchandra Durge …Applicant
V/s.
Shri Subhash Ramchandra Durge …Respondent

Mr. Yuvraj Narvankar a/w Mr. Vinayak Belgaonkar, for the Applicant
Mr. Anand S. Patil a/w Mr. Soham U. Pawar and Mr. Pratik Bhakare for Respondent
Mr. Avinash Naik, APP for the State

CORAM : SHARMILA U. DESHMUKH, J.
DATED : OCTOBER 29, 2026

P.C.:

1. The application has been filed for restoration seeking recall of the order dated 26th February 2008 passed by this Court in Criminal Revision Application No. 248 of 2005 and for condoning the delay of 18 years and 119 days in filing the present interim application seeking restoration of Criminal Revision Application No. 248 of 2005.

2. The application pleads that the Criminal Revision Application came to be dismissed in view of conditional order dated 19th December 2005 for non-removal of office objections. It is further pleaded that upon coming to know of the dismissal, the Applicant applied for certified copy of the conditional order and thereafter time was consumed in preparation of the present criminal application for restoration. In paragraph 10, it is pleaded that Criminal Application No. 428 of 2007 for restoration of Criminal Application No. 4837 of 2005 filed for condonation of delay and Criminal Revision Application

No. 248 of 2005 was filed, which came up for hearing on 26th February 2008, on which date the same came to be dismissed due to non-removal of office objections.

3. Paragraph 11 further pleads that the Applicant, being unaware of the dismissal of the captioned revision application, was unable to reach out to his advocate and only recently learnt about the dismissal and immediately approached the present advocate for taking steps to restore the captioned revision application, in which there is a delay of 18 years and 119 days.

4. Paragraph 14 further pleads that the Applicant only came to know about the dismissal when the captioned proceedings were transferred to the Circuit Bench at Kolhapur from the Principal Seat of the Bombay High Court, and pursuant to the same, the present application has been filed.

5. Mr. Narvankar, learned counsel appearing for the Applicant, has taken this Court through the pleadings in the application and the orders passed by this Court in order to contend that it is only due to default on the part of the advocate that the Criminal Revision Application came to be dismissed and the Applicant came to know about the dismissal when the captioned proceedings were transferred to the Circuit Bench at Kolhapur, pursuant to which the present application has been filed. He submits that as the Applicant was unaware of the dismissal of the revision application, there is a

delay of 18 years and 119 days in filing the present interim application seeking restoration of Criminal Revision Application No. 248 of 2005.

6. Mr. Patil, learned counsel appearing for Respondent No. 1 submits that false statements have been made on oath inasmuch as Criminal Application No. 428 of 2007 was filed seeking restoration of Criminal Revision Application No. 248 of 2005, and therefore the statements made in the application that the Applicant came to know about the dismissal when the captioned proceedings were transferred to the Circuit Bench are false statements, for which action for perjury should be taken against the Applicant. He further submits that the delay of 18 years and 119 days is not explained, and even otherwise, there is no merit in the application.

7. I have considered the submissions and perused the record. The pleadings in the application would reveal a confused state of affairs. Though the prayer seeks recall of the order of 26th February 2008 and restoration of the Criminal Revision Application, the prayer loses sight of the fact that what was dismissed by the order of 26th February 2008 was Criminal Application No. 428 of 2007, which was filed for restoration of the delay condonation application and Revision Application No. 248 of 2005. No prayer could be sought for restoring the Criminal Revision Application without first restoring Criminal Application No. 428 of 2007. Firstly Criminal Application

No. 428 of 2007 is required to be restored i.e. restoration of restoration application. The application does not seek relief of restoration of restoration application and directly seeks restoration of Criminal Revision Application No. 428 of 2007.

8. Apart from the above, there is no explanation, much less sufficient explanation, for condoning the delay of 18 years and 119 days. The explanation which is tendered is that the Applicant was unaware of the dismissal of the captioned Revision Application, whereas the filing of Criminal Application No. 428 of 2007 for restoration would indicate that in the year 2007 itself, the Applicant was aware of the dismissal of the Criminal Revision Application and hence had filed the application. Mr. Patil is right in contending that false statements are made on oath that the Applicant became aware about the dismissal when the captioned proceedings were transferred to the Circuit Bench at Kolhapur, whereas the Applicant was aware of the dismissal of the Criminal Revision Application in the year 2007 itself when Criminal Application No. 428 of 2007 was filed. The state of affairs would show the negligent manner in which the entire proceedings are being conducted. It is well settled that the law comes to the aid of a litigant who is diligent and exercises due care while prosecuting the proceedings before this Court. The present application is a classic example of total unawareness of the Applicant, who has not even bothered to find out the fate of his application and

the Criminal Revision Application, and has filed the present application seeking restoration of the Criminal Revision Application without seeking restoration of the application seeking restoration of the Criminal Revision Application. The Application is not maintainable as appropriate relief is not sought.

9. Apart from maintainability, there is no explanation tendered for delay in filing application for restoration of restoration application. I am therefore not inclined to condone the gross delay in present case. The Interim Application stands dismissed.

(SHARMILA U. DESHMUKH, J.)