

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 240 OF 2026
WITH
CR. REVISION APPLICATION ST NO. 1322 OF 2026
WITH
INTERIM APPLICATION NO. 239 OF 2026
INTERIM APPLICATION NO. 241 OF 2026

Digambar Bandu Kamate

VERSUS

State Of Maharashtra

Mr. Samyak Bhatkar, Advocate for Applicant

Mr. P. P. Deokar APP for the State.

CORAM : SACHIN S. DESHMUKH, J.

DATE : 18th APRIL, 2026.

P. C. :

INTERIM APPLICATION NO. 240 OF 2026:

1. This application is presented by the applicant for seeking condonation of delay of 190 days in filing the Revision Application.
2. For the reasons mentioned in the Application, the same is allowed.

CR. REVISION APPLICATION ST NO. 1322 OF 2026:

3. The Applicant has raised an exception to the order dated 01/07/2025 rendered by the Addl. Sessions Judge, Ichalkaranji in Cri. Misc. Application No. 31/2021 thereby rejecting the application for condonation of delay of 17 days under Section 5 of the

Limitation Act filed by the Applicant.

4. The Applicant is convicted for the offence under Section 138 of the Negotiable Instruments Act vide Judgment and Order dated 20/10/2021 in Summary Criminal Case No. 1374/2016 by Judicial Magistrate First Class, Ichalkaranji.

5. Aggrieved by the same, the applicant presented an Appeal before the Addl. Sessions Court, Ichalkaranji alongwith delay condonation application seeking condonation of delay of 17 days in filling the Appeal. However, the same came to be rejected by the order under challenge. As such, the Applicant is before this Court.

6. In the backdrop of the aforesaid facts, learned counsel for the Applicant submits that the order under challenge is unsustainable in law. The delay caused in filing the Appeal is neither deliberate nor intentional. As such, the same ought to have been allowed.

7. Learned counsel for the Applicant further submits that the parties have reached an amicable settlement through legal heirs of the original informant/deceased and have executed compromise agreement to that effect. As such, in the interest of justice, the Appeal of the Applicant deserves to be considered.

8. Learned APP has opposed the Application by supporting the

order under challenge.

9. Having heard the submissions and upon perusal of the record indicates that the application for condonation of delay is dismissed in default by the Appellate Court for the non compliance of its directions. In the interregnum, as stated by the Applicant, the parties appear to have reached a mutual agreement. Therefore, in my considered opinion, the Appeal of the Applicant deserves to be considered to serve the ends of justice.

10. Considering aforesaid facts and circumstances, the order under challenge deserves to be quashed and set aside.

11. Hence, the following order:

ORDER

I. Civil Revision Application stands allowed.

II. The impugned order dated 01/07/2025 rendered by the Addl. Sessions Judge, Ichalkaranji in Cri. Misc. Application No. 31/2021 is hereby quashed and set aside.

III. The Appellate Court is further directed to decide the Appeal expeditiously in accordance with law.

IV. In view of disposal of Revision Application, all pending Interim Applications stand disposed of accordingly.

[SACHIN S. DESHMUKH, J.]