

N.S.Kamble

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL REVISION APPLICATION NO. 439 OF 2025

Mohammed Hanif Ismail Shaikh ... Applicant

Versus

The State of Maharashtra ... Respondent

**WITH
CRIMINAL REVISION APPLICATION NO. 440 OF 2025**

Mohammed Hanif Ismail Shaikh ... Applicant

Versus

The State of Maharashtra ... Respondent

**WITH
CRIMINAL REVISION APPLICATION NO. 441 OF 2025**

Mohammed Hanif Ismail Shaikh ... Applicant

Versus

The State of Maharashtra ... Respondent

**WITH
CRIMINAL REVISION APPLICATION NO. 442 OF 2025**

Mohammed Hanif Ismail Shaikh ... Applicant

Versus

The State of Maharashtra ... Respondent

**WITH
CRIMINAL REVISION APPLICATION NO. 443 OF 2025**

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Mohammed Hanif Ismail Shaikh ... Applicant

Versus

The State of Maharashtra ... Respondent

**WITH
CRIMINAL REVISION APPLICATION NO. 461 OF 2025**

Mohammed Hanif Ismail Shaikh ... Applicant

Versus

The State of Maharashtra ... Respondent

Mr.Onkar Gurav a/w Mr.Dhanesh Dumbre i/b Ms.Anjali Patil, for the Applicant in all matter.

Ms.R.D. Humane, APP for Respondent-State in REVN/439/2025.

Mr.M.G. Patil, APP for Respondent-State in REVN/440 and 442 of 2025.

Mr.B.B. Kulkarni, APP for Respondent-State in REVN/441/443/461 of 2025.

Mr.Umar Siddique a/w Mr.Harshit, for Respondent No.2 in all matters.

CORAM : SHIVKUMAR DIGE, J.

DATE : 9th FEBRUARY 2026

P.C.:

. Heard learned counsel for the Applicants and learned counsel for Respondent No.2.

2. The learned counsel for Respondent No.2 seeks time to file

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reply. On the last date also time was sought to file reply.

3. The Applicant is behind bars. Hence, this Court is deciding this Application on merit.

4. By this Application, the Applicant is seeking condonation of the delay of 1204 days.

5. The learned counsel for the Applicant submit that Applicant has been convicted by the Metropolitan Magistrate Court. He is behind bar. There is delay of more than 1200 days for filing Revision Application and requested to allow the Application.

6. It is contention of the learned counsel for Respondent No.2 that there is delay of more than three years and five months. The Applicant has preferred Appeal only when he was arrested. There is huge delay. There is no explanation and requested to reject the Application.

7. I have heard all learned counsel.

8. The Applicant is convicted under Section 138 of the Negotiable Instruments Act ('NI Act' for short). The Applicant is behind bars for more than 18 months and he has under gone sentence imposed on him in three matters.

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9. It is settled principle of law that every accused has right to challenge the judgment and order passed against him and delay for filing Appeal should be considered liberally but this fact is not considered by the learned Sessions Court while deciding the Application for condonation of delay.

10. In view of above, I pass following order.

ORDER

- (i) The Applications are allowed.
- (ii) The delay for filing the Appeal is condoned subject to payment of cost of Rs.25,000/- in each matter payable to the Complainant.

(SHIVKUMAR DIGE, J.)