



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR**

CRIMINAL APPLICATION APPR NO.3/2026

AND

CRIMINAL REVISION STAMP NO.239/2026

Suryakant s/o Chandrashekhar Tripathi

..VS..

Nirmal Ujjwal Credit Co-op Society Ltd., Nagpur

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders

Court's or Judge's Order

Shri D.S.Khushalani, Counsel for the Applicant (Thr.V.C.).

Shri V.J.Dharkar, Counsel for the NA.

CORAM : URMILA JOSHI-PHALKE, J.

DATE : 12/03/2026

1. By this application, the applicant is seeking condonation of delay which is caused in preferring revision against confirmation of the order of the conviction which is passed in SCC No.1290/2017 in Criminal Appeal No.15/2019 by judgment dated 26.12.2024.

2. Learned counsel for the applicant submitted that the applicant, after receiving intimation of Notice, deposited the compensation amount and now the applicant may be arrested for execution of punitive sentence. Therefore, he wants to challenge the said order of conviction. However, due to financial constraints, the applicant could not approach his counsel and could not file revision in time. Therefore, the delay of 289 days is caused which is not intentional one. There are justifiable and reasonable cause for condonation of delay and if the delay is not condoned, his valuable right of challenging the order of conviction would be affected. In view of that, he prayed for condonation of delay.

3. Per contra, learned counsel for the non-applicant has opposed the said contentions and submitted that by way of public money, the financial assistance was given to the applicant and reasons mentioned in the application regarding condonation of delay are not justifiable one. In view of that, the application deserves to be rejected.

4. On hearing both sides and perusing the entire record, it revealed that the non-applicant is a financial institution, which has provided loan facility by way of financial assistance to the applicant. As the applicant could not pay the loan amount, the complaint under Section 138 of the Negotiable Instruments Act was initiated wherein the applicant was convicted. The reasons mentioned in the application that due to financial constraints, he could not approach the counsel to prefer the reason appear to be justifiable one. However, considering the fact that the non-applicant which is financial institution unnecessarily dragged into the additional litigation, the application deserves to be allowed subject to costs.

5. In view of that, I proceed to pass following order.

ORDER

- (1) The criminal application is **allowed**.
- (2) The delay is condoned subject to costs of Rs.5000/-.
- (3) The costs be paid to the non-applicant.
- (4) On payment of the costs, the revision be registered.
- (5) List the revision on **23.4.2026**.

(6) In the meanwhile, learned counsel for the application to supply the copy of the revision to the other side.

Application for condonation of delay stands **disposed**
of.

(URMILA JOSHI-PHALKE, J.)

!! BrWankhede !!