



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

CRIMINAL APPLICATION [APPR] NO. 33 OF 2026
IN
CRIMINAL REVISION APPLICATION [STAMP] NO. 1837 OF 2026

Shri. Yogesh S/o Khushal Gajapure

-- VERSUS --

Sau. Durga W/o Yogesh Gajapure and Another

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

Court's or Judge's orders.

Mr. A.V. Pande, Advocate for the Applicant.

None present for the Non-applicants.

CORAM : M.M. NERLIKAR, J.

DATE : JUNE 12, 2026.

Heard the learned counsel for the applicant.

2. The present application is filed for condonation of delay of 120 days. The learned counsel for the applicant has invited my attention to paragraph No.2 of the application.

3. I have gone through the paragraph No.2 of the application. In my opinion, sufficient cause and explanation was given for delay. I accept the same. It would be useful to reproduce paragraph No.2, which reads thus:-

“2. Pertinently, the Applicant was although available with his defence regarding adultery committed by the Non-Applicant No.1 during

pendency of the proceedings in question before the learned Family Court No.3, Nagpur. However, the Applicant received proof by way of a photograph qua the second marriage of the Non-Applicant No.1 only on 20.01.2026 via WhatsApp, a copy of which is annexed with the accompanying revision application. As such, the same prompted the Applicant to prefer the accompanying revision application. The Applicant does not have resources to engage a counsel and as such, it took some time for him to arrange for an amount appropriate for miscellaneous expenses enabling filing of the present application and the accompanying revision application. On account of the Applicant receiving proof of adultery of the Non-Applicant No.1 only on 20.01.2026 and on account of time taken for arrangement of miscellaneous expenses in preferring the instant proceedings, a delay of 120 days is caused in preferring the accompanying revision application.”

4. For the reasons stated in paragraph No.2, I am inclined to condone the delay of 120 days. Hence, the following order:-

ORDER

- (i) The Criminal Application [APPR] No.33/2026 is **allowed**;
- (ii) The delay of 120 days caused in filing the revision application is hereby condoned;

5. Register the Criminal Revision Application, accordingly. List the Criminal Revision Application on 30/06/2026.

7. Interim stay granted by this Court by an order dated 20/02/2026 is hereby continued till next date.

[M.M. NERLIKAR, J]