

IN THE COURT OF SESSIONS JUDGE
AT GANDHINAGAR.

CRIMINAL MISC. APPLICATION NO. 1658 OF 2025

Exh..6.....

Applicant :

1. Ravikumar Doshi
Authorized Officer of Kotak Mahindra Bank
Senior Manager,
Age : 35 years, Occupation : job,
Address : Kotak Mahindra Bank,
Zone-1, 4th Floor Siddhivinayak Complex,
Near Shivranjani Cross-Road, Ahmedabad.

Versus

Opponents :

1. The State of Gujarat.
2. Goyal Arjanbhai Hardabhai
Age : 40 years,
Residing at : At : Sarla,
Rabarivas, Taluka : Muli, District : Surendranagar.

JUDGMENT

1. The applicant-original accused has filed this application for condonation of delay of 14 days caused in preferring Revision Application against the Order passed below Exh.1 in CRMA No.19 of 2025, dated 31.07.2025 by the learned Judicial Magistrate First Class, Mansa

2. The learned advocate Mr. R.V.Raval appearing on behalf of applicant-original accused and contended that impugned order passed on 31.07.2025. Thereafter, application was given on 29.10.2025 for obtaining certified copy of the documents, which were received on 06.11.2025. After receiving certified copy, some time was passed in taking approval from the bank and preparing the application. In such situation, a delay of 14 days was caused, which is unintentional and requires to be condoned. It is submitted that if the delay will not be condoned grave prejudice will be caused to the applicant and accordingly prayed for allowing this delay application.
3. The learned APP appeared for opponent No. 1-State. Opponent No.2 has been served but did not appear before the Court. Learned APP Mr.S.S.Pandya appearing for the opponent No.1-State has raised objection in granting delay application.
4. Heard learned advocate for the respective parties. On perusal of the record, it transpires that the delay is of 14 days. It is apt to refer the judgment of

Honourable Supreme Court reported in **1987 (0) AIR (SC) 1353** in the case of **Collector, Land Acquisition, Anantnag Vs. Katiji**, wherein it is held that...

“The legislature has conferred the power to condone delay by enacting Section 5 of the Indian Limitation Act of 1963 in order to enable the Courts to do substantial justice to parties by disposing of matters on ‘merits’. The expression “sufficient cause” employed by the legislature is adequately elastic to enable the Courts to apply the law in a meaningful manner which subserves the ends of justice that being the life-purpose for the existence of the institution of Courts. And such a liberal approach is adopted on principle as it is realized that:-

- (1) Ordinarily a litigant does not stand to benefit by lodging an appeal late.
- (2) Refusing to condone delay can result in a meritorious matter being thrown out at the very threshold and cause of justice being defeated. As against this when delay is condoned the highest that can happen is that a cause would be decided on merits after hearing the parties.
- (3) “Every day’s delay must be explained” does not mean that a pedantic approach should be made. Why not every hour’s delay. Every second’s delay-The doctrine must be applied in a rational common sense pragmatic manner.
- (4) When substantial justice and technical considerations are pitted against each other, cause of substantial justice deserves to be preferred for the other side cannot claim to have vested right in injustice being done because of a non-deliberate delay.
- (5) There is no presumption that delay is occasioned deliberately, or on account of culpable negligence, or on account of mala fides. A litigant does not stand to benefit by resorting to delay. In fact he runs a serious risk.
- (6) It must be grasped that judiciary is respected not on account of its power to legalize injustice on technical grounds but because it is capable of removing injustice and is expected to do so.”

5. Therefore, considering the above facts and circumstances and considering the ratio laid down by the Honourable Supreme Court in ***Collector, Land Aquisition, Anantnag Vs. Katiji*** (surpa) the delay is required to be condoned. Hence following order is passed:-

:: ORDER ::

1. The present delay condone application is allowed.
2. The delay caused in filing Criminal Revision Application is hereby condoned subject to the condition that the applicant-original accused shall deposit cost of **Rs. 6,000/- (Rupees Six Thousand Only)** in District Legal Services Authority (DLSA), Gandhinagar within 10 days from the date of this order.
3. The Registry is directed to register the Criminal Revision Application subject to deposit of cost by the applicant.

Signed and pronounced in the open Court on this 16th day of March, 2026.

Date:- 16/03/2026
Place:- Gandhinagar.

[Ashish J.S.Malhotra]
GJ01504
Sessions Judge
Gandhinagar

/pbshah/

Sessions Judge
Gandhinagar