

Application Filed on	25/02/2026
Application Registered on	25/02/2026
Application Decided on	07/03/2026
Duration	Y / M /Days 0 / 0 / 10

**IN THE COURT OF HON'BLE SESSIONS JUDGE, PATAN - AT  
PATAN**

**Criminal Misc. Application No.165/2026  
Ex.5**

**APPLICANT:**

Vankar Amrutlal Danabhai  
Age: 55 Years, Occupation: Contractor  
R/o.: Kharadharava, Ta-Chanasma, Dist-Patan.

**V/s.**

**OPPONENT :**

- (1) Patel Popatbhai Manilal  
Age: 55 Years, Occupation: Business  
R/o.: Ranasan, Ta-Chanasma, Dist-Patan.
- (2) The State of Gujarat

**APPEARANCE:**

Mr.U.S.Prajapati - Ld. Advocate for Applicant.  
Mr.D.C.Yogi – Ld. Advocate for the Opponent No.1.  
Mr.J.D.Thakkar – Ld. A.P.P. for the State.

**-: J U D G M E N T :-**

1. This application is preferred U/s. 5 of the Limitation Act, 1963 to condone the delay of 1 year, 1 month and 17 days caused in preferring the Appeal against the order of the learned Judicial Magistrate First Class, Chanasma (hereinafter referred to as 'Trial Court') passed on 09/12/2024 in C.C. No.772/2024.
2. It is submitted by the learned advocate for the applicant that the applicant was not aware about the procedure of law

to file the appeal and he could not contact his advocate on time. Hence he could not file appeal in time limit and there was no deliberate inaction on the part of the applicant for not filing the appeal within time limit and hence the delay should be condoned.

3. Heard the learned advocates for the parties and perused the record.
4. From the arguments of learned advocate for the applicant, it seems that the reason given for the delay is valid and genuine. It is well settled principle that, while deciding the matter, the court should not be technical. It is evident and it is better that the dispute of the applicants should be decided on merit and not on the technical aspects. The principle of substantial justice has vigorous role to play in justice delivery system. So, if the present application is granted, it would be just and proper. Hence, following order is passed.

**-: ORDER :-**

1. The present application is hereby ***Allowed***.
2. Delay in filing the Criminal Appeal is hereby condoned.
3. Registry is directed to register the Criminal Appeal
4. Above order will come into force after depositing the cost of ***Rs.3000/- (Rs. Three Thousand only)*** in D.L.S.A., Patan within seven days by the applicant.

Pronounced & signed in the open court today.

**Date : 07/03/2026**

**Place: Patan**

**(Prashantkumar H. Sheth)**

**Sessions Judge, Patan**

**U.I.Code No.GJ00524**