

GJSK010007032026 	Presented on	:	16.03.2026		
	Registered on	:	16.03.2026		
	Decided on	:	10.06.2026		
	Duration	:	00	02	25
			Years	Months	Days

**IN THE SESSIONS COURT
SABARKANTHA AT HIMMATNAGAR**

Exhibit ____

Criminal Misc. (Delay Condone) Application No.317/2026

Applicant: **Patel Himanshubhai Lakshmanbhai**
Age : 35 years, Occupation : Business &
Agriculture, Resi. of: Sundaram Capital,
Chapariya Char Rasta, Himmatnagar

V E R S U S

Opponents: (1) * **Bharatbhai Lakshmanbhai Patel**
Age: 50, Resi. Of: 4/Yoghi Parivar,
near Mahakali Temple, Kankalol Road,
Himmatnagar.

(2) **The State**

**APPLICATION FOR CONDONATION OF DELAY
UNDER SECTION 5 OF THE LIMITATION ACT**

Appearance:

Mr. P.V. Trivedi, Learned advocate for the Applicant

Mr. K.R. Soni, Learned advocate for the Opponent No. 1

J U D G M E N T

[1] Preface:

The Original complainant / applicant herein was filed a Criminal Case bearing No. 1351/2020 against the accused / respondent No. 1 herein under Section 138 of the Negotiable Instrument Act, wherein the learned Chief Judicial Magistrate, Himmatnagar acquitted the accused / respondent No. 1 herein by judgment dated 21.01.2026, against which, the original complainant / applicant herein wants to prefer Criminal Appeal. It is further submitted by the applicant that the said application should have been filed within the period of limitation, but the delay of 23 days has taken place, which may be condoned.

Let us enter into the factual narrative which has been put forward by the present proceeding.

[2] Brief facts:

As regards delay condonation, the reason goes that the applicant herein was unaware of the law and had not received proper legal advice or information from his lawyer regarding this matter, which resulted into the delay of 23 days in filing the Criminal Appeal. Considering this aspect, this Honorable Court may kindly condone the delay of 23 days and admit the revision application.

The notice was issued in respect of delay condone application to the other side, that is, the learned Advocate Mr. K.R. Soni has appeared on behalf of the opponent No.1.

[3] Arguments:

Learned advocate for the applicant herein would urge that the facts stated on oath constitute the sufficient cause, consequently, the present application seeking condonation of delay may kindly be granted.

The learned Advocate for the respondent No. 1 opposed the present application for condonation of delay.

[4] Consideration and Conclusion:

The condonation of delay depends upon the existence of the term, "sufficient cause". The expression "sufficient cause" appears in Section 5 of The Limitation Act, 1963 which has received very liberal construction so as to advance substantial justice. Meaning of "sufficient cause" boils down to the level that expects absence of gross negligence or deliberate inaction or lack *bona fide* being imputable to the party seeking condonation of delay. This is what well settled principle being culled out from several decisions of Honorable Apex Court.

Given set of facts, which are widely put on record in the preceding paragraph and brief thereof indicates that the party who is seeking condonation of delay cannot be said to be either grossly negligent or classed as deliberately in-acted or having lack of *bona fide* on the part of the applicant. The fact as regards their having no information about the impugned order and having gone for labour work seems to be palatable one and falls within the category of the expression "sufficient cause", which prevented them from swiftly moving to the Court with the present application.

..4..

In this backdrop, the present application seeking condonation of delay deserves to be allowed on account of existence of “sufficient cause” on the record. Hence, the following order is passed:

ORDER

- The application seeking condonation of delay stands **granted.**
- The delay of **23 days** caused in filing the Criminal Appeal stands condoned.
- The office is directed to register the present criminal appeal put forward by the applicant in the register and post the necessary entry in that regard in the register being maintained in this regard.

Pronounced in the open Court on **10th June, 2026**, under my hand and seal.

Date: 10/06/2026
Place: Himmatnagar

[Kanubhai R. Rabari]
Sessions Judge
Sabarkantha at Himmatnagar
UIC No. GJ 00477

Pramod S. Goyal***