

MHAU010032342026



Criminal M.A. No.169 of 2026

Minakshi
Versus
Shree Narsimha

ORDER BELOW EXH.1

- 1) The petitioner preferred this application U/sec.5 of Limitation Act, 1963, for condonation of delay of 316 days in filing the appeal against the judgment and order dated 08.05.2025, in S.C.C. No.294 of 2018 of Judicial Magistrate, First Class, (8th Court), Aurangabad.
- 2) The petitioner alleged that, in the above mentioned case the judgment was passed and the conviction warrant was issued against the petitioner. She was unaware of the judgment and order, as appearing from the judgment itself. She was under bonafide belief, since she had paid Rs.3,50,000/- during pendency of the trial by RTGS. It was decided that, the complainant would withdraw the complaint and settle the matter. But when the conviction warrant was issued, the time is spent in engaging lawyer, incurring necessary expenses and informing her husband. On 15.04.2026, she applied for certified copies and got it on 17.04.2026. She further submit that thereafter the time was spent on taking legal advice. Therefore, delay occurred and it may be condoned.
- 3) She referred to the judgment in **N. Balakrishnan Vs. M.**

Krishnamurthy, (1998) 7 SCC 123, in support of her contention.

4) The respondent appeared and submitted their reply dated 17.07.2026 alleging that, the contentions of petitioner are false and fabricated. She remained absent before the trial Court all the time. She was aware of the proceeding. How she came to know about the conviction warrant promptly, indicates that, apprehending arrest, she filed this appeal and approached this Court. During pendency of the case before the trial Court, she never brought on record any payment of amount to the complainant. She never paid the same. Despite having complete knowledge of the proceeding, she ignored the case. The case of **N. Balakrishnan** (supra) is not applicable to the present proceeding. If the delay is condoned, she will not remain present before the Court and will prolong the matter. If at all delay is to be condoned, she may be directed to deposit at least 50% of the compensation awarded.

5) I have framed following points for my determination and I have recorded my findings thereon, for the following reasons :

<u>Sr. No.</u>	<u>POINTS</u>	<u>FINDINGS</u>
1.	Whether the delay can be condoned ?	Yes.
2.	What order ?	As per final order

REASONS

6) The petitioner submitted her written argument dated 17.07.2026 and reiterated the contents of her petition.

7) I have heard learned advocate for the respondent, who submitted according to their say.

8) It appears that, petitioner was even absent in the trial Court and approached this Court only when conviction warrant was issued against her. This is not the occasion to comment upon the merits of the case. But the conduct of the petitioner speaks for itself.

9) Moreover, the delay is more than 316 days. The reasons given are not much convincing, but considering the say of respondent, subject to following condition the delay is condoned.

ORDER

1) The application no.169/2026 is allowed, subject to following conditions :

(a) Petitioner shall deposit at least 50% of the compensation awarded by the learned trial Court in S.C.C. No. 294 of 2018, dated 08.05.2025.

(b) The amount shall be deposited within one month from the date of this order.

(c) If the amount is not deposited within time, the petition shall be treated as dismissed.

2) The criminal appeal be registered as per rules, after compliance of above conditions.

Date : 06.08.2026

[**Niranjan R. Naikwade**]
Additional Sessions Judge-4,
Aurangabad, JO Code-MH-1063