



**A.S.J/ Special Judge, Special Court, Anti-corruption, CBI Court No. 3,
Ghaziabad**

Presence : Sh. Anjani Kumar, H.J.S.

(Criminal Misc. 127/ 2026)

Pramod kumar Agarwal,

S/p Sh. Madan Lal Agarwal,

Plot No. 8A/L-12 Lawyers Colony (Khasra No. 742) Mauza Mau Mustkil,

Hari Parwat Ward

Agra, U.P.

...Petitioner

Vrs.

CBI

Represented through SP-CBI-EO-II, New Delhi

...Respondent

Computer No.- Criminal Misc. Cases/ 248/ 2026

Disposal of application 5 of limitation Act

1. It is submitted by the applicant that in the instant matter, the Compounding Application which was remanded back to the Ld. Judicial Magistrate for fresh adjudication in the light of the Order passed by the the Sessions was once again dismissed. The Applicant/Revisionist was not well and he was hospitalized for the eyes surgery. That due to not being in best of his health he could not effectively communicate with his lawyer. Due to the abovesaid reason, the present Revision Petition got delayed. On merits, the Petitioner has a very good case and therefore, an indulgence from this Court is solicited in the matter of condonation of delay in filing this revision petition. It is further submitted that this Court has the power to condone the delay and the same may be exercised in favour of the Petitioner considering the fact that Appellant revision on the same issue was allowed and the matter was remanded back for fresh adjudication but again the Compounding Application of the Applicant has been dismissed for technical reasons. It is further submitted that the present Application of the Applicant should be allowed on the basis of principle of equality as this Court condoned the delay of 48 days in the revision petition filed by

CBI in the same matter. In view of the above facts and circumstances, the delay in filing the Criminal Revision is neither intentional nor deliberate. In case the delay in preferring the Criminal Revision is not condoned, irreparable loss and irreparable injury shall be caused to the Applicant. The delay in filing the present petition has occurred due to ill health of the Applicant. Therefore, due to the aforesaid reasons the filing of the present petition is being delayed for a period of about 25 days and the accompanying petition could not be filed within the prescribed period of limitation. Due to above-mentioned facts and circumstances, the Revision Petition couldn't be filed in the prescribed period of limitation and therefore the condonation of delay is requested. The Petitioner/Applicant have a good prima facie case and there is every likelihood of the Revision being allowed. The Petitioner seeks the permission of this Court to urge any other or further grounds that may be available at the time of hearing of this Petition. It is, therefore, prayed that the delay of about 25 days for filing Revision against the observation dated 10.11.2025 may kindly be condoned in the interest of justice.

2. Respondent (CBI) while presenting its objections against the above application, have stated that a complaint dated 29.09.2021 received from Vikas Vineet, Regional Head. Union Bank of India, Agra, U.P. addressed to Head of Zone. BS&F Zone, CBI, 5-B, 10th Floor: A-Wing, CGO Complex. Lodhi Road, New Delhi, regarding Offences of Forgery, presenting false documents, Criminal Breach of Trust, Cheating etc. committed by M/s Shree Basant Oils Ltd, its Directors/Guarantors & other unknown public servant(s) & unknown others. The complaint prima facie discloses the commission of cognizable offences against the accused persons. It was alleged in the complaint that M/s Shree Basant Oils Limited Company decided to expand its business and to start a new unit for Refining Palm Oil & Rice Bran Oils from its Unit II, situated at Khasra No. 650, Mauza-Dautana, The-Chatta, Mathura with installed capacity of 150000 MTPA For establishing New Unit-II, the company approached the Andhra Bank and Bank sanctioned credit facilities of Rs. 82.68 crores on 01.06.2016. Further, Company approached to e-OBC for further sanction of facilities under Consortium arrangements with a share percentage of 40% and Andhra

Bank with 60% share in terms of amount. Under consortium arrangement e-OBC sanctioned following facilities to the company for Unit-II on 14.04.2017-

a Term Loan- Rs 23.40 Crore

b. Cash Credit- Rs. 11.73 Crore

c. Letter of Credit- Rs. 20.00 Crore

Total Rs. 55.13 Crore

The total cost of project was projected of Rs. 122 Crore under the consortium banking arrangement with Andhra Bank. The (Commercial operation date) COD was proposed initially to be completed by 31.01.2018 but production started from the Unit-II. The loan was sanctioned on 01.06.2016, turned NPA on 13.11.2019: declared fraud on 09.07.2021 and reported to RBI on 28.07.2021.

A case bearing no. RC 2202022E0005 dated 14.05.2022 was registered U/s. 120-B r/w 420, 468, 471 & 477A of IPC and section 13(2) r/w. 13(1)(d) of PC Act 1988 (as amended in 2018) against M/s. Shree Basant Oils Ltd., its directors/guarantors, unknown public servants and unknown others. During investigation, it is revealed that the accused persons in furtherance of criminal conspiracy cheated the lender bank in the following manner: -

a. That, during the investigation it has been established that accused company (M/s. Shree Basant Oils Ltd.) submitted the list of suppliers from whom equipment's were to be purchased by the accused borrower company. The Company named M/s. Alina Trader's from which machinery worth of Rs. 16.07 crores have been purchased has not been traced alongwith some other companies.

b. That, during the investigation it was established that accused company vide letter dated 12.06.2018 on the letter head of M/s. Tomar & Associates, informed Andhra Bank, Agra that they had entered into an agreement with Shree Basant Oils Ltd., to supply building construction material for the edible oil refinery at Chhatta, UP. However, M/s. Tomar & Associates have stated that the said letter dated 12.06.2018 has not been issued by them and is false and forged.

c. That, during the investigation it was established that accused company submitted a covering letter of M/s. Shree Basant Oils dated 25.06.2018 alongwith another letter dated 25.06.2018 on the letter head of M/s Tomar

& Associates. However, M/s. Tomar & Associates have stated that the said letter dated 25.06.2018 has not been issued by them and is false and forged. That, by submitting forged documents to the Bank, the accused borrower Company has ensured disbursal of loan.

d. That, during the investigation it has been established that accused company submitted the provisional balance sheet dated 31.03.2019 and 30.09.2019 to the Bank, signed by the accused Pramod Agarwal, Ayush Agarwal and Gagan Agarwal. However, the aforesaid balance sheet does not reflect the loss of Rs. 75.36 crores accrued to the Company on account of loss suffered on the contract with M/s. A.K. Trading. Further, CA Kishore Prakash has stated the provisional balance sheet dated 31.03.2019 was not signed and prepared byt him and he has never worked with M/s. Basant Oil.

e. That, during the investigation it has been established that accused Company diverted Rs. 10 crores (approx.) through the account of Canara Bank which is not part of the consortium. The diverted amount is the sale proceed which should have been realized in the CC account of the consortium Banks.

After completion of investigation charge sheet was filed on 30.09.2023 against M/s Shree Basant Oils Ltd. (A-1), Pramod Agarwal(A-2), Ayush Agarwal (A-3), Gagan Agarwal (A-4) u/s 120-B, 420 and 471 of IPC in the court of Spl. Judge, CBI cases, Court No.3, District Court, Ghaziabad. The above said case is pending trial before the Ld. Court of Spl. Judicial Magistrate, CBI, Ghaziabad.

The present application for condonation of delay is misconceived, baseless and devoid of merit, and is liable to be dismissed at the outset. The plea of illness is an afterthought and has been taken only to cover up the negligence and inaction on the part of the applicant. The alleged medical documents do not satisfactorily explain the entire period of delay. It is settled law that delay cannot be condoned as a matter of right, and the applicant must establish bona fide reasons and due diligence, which is clearly absent in the present case. The applicant was duly aware of the impugned order, yet chose not to act within the prescribed period of limitation, which clearly reflects lack of diligence. The contention regarding merits of the case is irrelevant at this stage, as the only consideration before this Court is whether sufficient cause has been shown for

condonation of delay. The reliance on alleged parity with condonation granted in favour of the prosecution is misplaced, as each case is to be decided on its own facts and circumstances. Condonation of such unexplained delay would seriously prejudice the prosecution case and defeat the purpose of limitation prescribed under law.

In *Esha Bhattacharjee v. Raghunathpur Nafar Academy*, (2013) 12 SCC 649 Honble SC laid down following principles which is to be kept in mind while deciding a petition for condonation of delay- Court to be satisfied that the appellant was prevented by sufficient cause in preferring the appeal on time. Appellant had to put forth bona fide grounds for delay besides establishing that the delay was not caused due to negligence. Length of delay is not a consideration. Each case is distinguishable from the next. 'Sufficient Cause' should be given a liberal interpretation to ensure that substantial justice is done. It has to be kept in mind that expiration of period of limitation gives rise to a right in favour of a decree-holder, this right is accrued should not be lightly disturbed.

In the instant case revisionist did not give any justified reason regarding the delay in filing the said revision hence the application filed by the accused is liable to be dismissed. In view of the submissions above, it is most humbly prayed that this Court may kindly be pleased to dismiss the instant application in the interest of justice.

3. I have heard the arguments of both the parties and perused the records including the detailed precedents supplied by the parties.

4. Applicant/ Revisionist - Pramod Kumar Agarwal submitted that the delay caused by the applicant to file the revision petition is due to the circumstances as mentioned in the application. The delay in filing the present petition has occurred due to ill health of the Applicant. Therefore, due to the aforesaid reasons the filing of the present petition is being delayed for a period of about 25 days and the accompanying petition could not be filed within the prescribed period of limitation. Thus, the delay which is caused is due to the above circumstances. Matter must be heard on the merit in the interest of justice.

5. On the other hand, on behalf of respondents it is submitted that revisionist did not give any justified reason regarding the delay in filing the said revision, so the present application should be dismissed.

6. In this regard the following case laws are important to referred here:-

- 1. Sainik Security Vs. Sheel Bai 2008 (78) a. Ale. R Page- 32 Supreme Court.**
- 2. State of Nagaland Vs. Lipak A.O. 2005 (52) A.C.C. Page- 788 Supreme Court.**
- 3. Bal krishnan Vs. M. Krishna Murthi A.I.R. 1998 Panj- 3222-Supreme Court.**
- 4. State of Haryana Vs. Chandramani 1996 SCC Page 132 Supreme Court.**
- 5. Special Tehsildar Vs. K.V. Ayisumma A.I.R. 1906 page 2750 Supreme Court**
- 6. G. Rama Gowda Major Vs. Special L.A.O. Bangalore AIR 1980 Page 897 Supreme Court.**
- 7. District Magistrate L.A. Anant Nag Vs. Mrs. Katji A.R. 1987 Page 1353 Supreme Court.**
- 8. O.P. Kathpaliya Vs. Lakhmir Singh SCC 1984 Page 66 Supreme Court.**
- 9. Poonam and others Vs. Harish Kumar and others 2011(4) SCCD Page 2155 Supreme Court.**

In the above case laws the Hon'ble Supreme Court has held that in the condonation of delay under Section 5 of the Limitation Act approach should not be technical but it should be liberal according to the facts and circumstances and actual justice should be preferred over the technical justice. While considering the question of condonation of delay u/s 5 of the Limitation Act, 1963, the court is not required to adopt a hyper technical or pedantic approach. It should rather adopt a liberal approach and every day's delay should not be expected to be explained. If the party is expected to explain the delay for every day, then why not the delay for every hour, every minute and every second. Substantial justice should be preferred over technical justice.

7- From perusal of the records it reveals that vide order dated 10.11.2025 learned Trial Court has rejected the application of applicant/accused for compounding of offence u/s 120B, 420 IPC. Merit of the said order should be decided on the basis of judicial precedents and law laid down for the criminal revision and not on the technical ground.

8. In the cases, noted above, it has been held that a criminal revision cannot be dismissed on a technical ground like limitation otherwise if the order passed by the lower court is otherwise illegal, that illegality will perpetuate and survive if the power of revision is not exercised by the revisional court for the technical reasons like limitation. The revisional court should apply liberal approach while considering the question of limitation in regard to a time barred criminal revision. In present case, applicant - Pramod Kumar Agarwal having some medical condition with his right eye got cataract Surgery on 20.02.2026. It is the cause of delay in filing the revision petition as per the applicant.

So, in the interest of justice application under Section 5 of the Limitation Act for condoning the delay in filing the criminal revision should be allowed subject to payment of cost.

ORDER

The present application u/s 5 of the Limitation Act in the **Criminal Misc. Cases No. 127/ 2026** (Computer No.- Criminal Misc. Cases/ 248/ 2026), titled- "Pramod Kumar Agarwal Vs.CBI", ***is hereby allowed subject of deposit of cost of Rs. 2000/- in DLSA, Ghaziabad within 5 days.***

*After compliance of order, file of the said case be sent before the Respected District Judge, Ghaziabad on **04.04.2026** for the hearing on the point of admission.*

Parties are directed to appear before the Respected District Judge, Ghaziabad on the above-mentioned date.

Date-28.03.2026

(Anjani Kumar)

Special Judge (Anti Corruption),
CBI, Court No.-03, Ghaziabad
(JO Code- UP2756)