

MHCC050006432026



IN THE COURT OF SESSIONS AT DINDOSHI
(BORIVALI DIVISION), GOREGAON, MUMBAI

CRIMINAL MISCELLANEOUS APPLICATION NO. 44 OF 2026

IN

C. C. NO. 521/Misc/2018

1 Aryan Balakrishnan Sankarankutty
Age : 64 Years, Occ : Director
R/at : XVI-699, Iswary Nilayam
T & R Cross Road, Palluruthy
Ernakulam 682 005, Kerala.

2 Mathew Mazhuvancharyp
Aarmbatu Paulose
Age : 60 Years, Occ : Director
R/at : Esjeerocks, MIG-145,
Gandhi Nagar, Kadavanthara,
P. O. Kochi – 682 020, Kerala.

...Applicants/
(Org. Accused Nos.3 and 5)

Versus

1 National Spot Exchange Ltd.
A Company registered under the
Companies Act, 1956, having it's
registered office at Chintamani
Plaza, 6th floor, 'B' Wing,
Andheri-Kurla Road, Chakala,
Andheri (E), Mumbai – 400 099
Through Mr. Jayesh Jayantilal Hingu
Authorized Representative

2 The State of Maharashtra
Through M.I.D.C Police Station,
Andheri, Mumbai.

... Respondents
(Respdt No.1 Org. Complainant)

Ld. Adv. Mr. Vishal N. Nevshe for Applicants.
Ld. Adv. Mr. Bhavesh Thakur for respondent No.1.
Ld. APP. Ms. R.S. Kanojia for Respondent No.2/State.

CORAM : THE H.H. ADDITIONAL SESSIONS JUDGE
SHRI P. A. SANE (C.R. No.15)

DATE : 10th August, 2026.

ORAL ORDER

This is an application filed by applicant for condonation of delay. It is contended that the applicant want to challenge impugned order dated 08/10/2025 by the Ld. JMFC. It is contended that the applicant filed Criminal Writ Petition (Stamp) No.1213 of 2026 on 24/12/2025. However, on 19/01/2026, withdrawn the said petition with liberty to file revision within 15 days. The applicant want to prefer revision and there is delay of 15 days. The Hon'ble High Court permitted to withdrawn on 19/01/2026. Hence, it is filed within the time granted by the Hon'ble High Court. It is contended that there is initial delay and in the interest of justice application be allowed and delay be condoned.

2 Other side appeared in this matter by filing say on Exh.4 resisted the application on the contentions that instead of approaching this 'court applicant approach to Hon'ble High Court. It is contended that applicant has coming with uncleaned hands. The date of filing of Writ Petition is 19/01/2026. It is also contended that there is no sufficient reason. Hence, it is contended that the application be rejected.

3 I have heard Ld. Advocates of both the sides at length.

4 The Ld. Advocate for applicant argued that the time is consumed in filing Writ Petition as well as he submitted that there is no intentional delay and hence, and there is delay of 15 days. So, he submitted' that application be allowed. While canvassing arguments, he submitted following case laws.

i) **The Hon'ble Supreme Court in case of Collector, Land Acquisition, Anantnag and Another Vs. Mst. Katiji and Others, (1987) 2 SCC 107.**

ii) **The Hon'ble Madhya Pradesh High Court in Tarendra Dhurve Vs. The State of Madhya Pradesh, in Criminal Revision No. 1034 of 2025, decided on 07/04/2025.**

5 On the other side it is contend' that there is intentional delay and there is not ground. Accordingly it is submitted that applicant has not coming with clean hand.

6 In view of the submissions of both the sides, after going through documents on record, what is seen that period of delay is considered, it is a very small span of delay. In view of the observation of Hon'ble Parent High Court in Writ Petition Nos. 1172/2026 and 1213/2026 a liberal approach requires to be taken in the matter. Hence, in the interest of justice, application for condonation of delay is hereby allowed. Hence, the order.

ORDER

1 Criminal Miscellaneous Application No.44 of 2026 stands allowed.

2 The delay of 15 days caused in filing the Criminal Revision against order dated 08/10/2025, passed by the Ld. Additional Chief

Judicial Magistrate, 22nd Court, Andheri, Mumbai in C.C. No. 521/Misc/2018, is condoned.

3 The Registry shall take requisite steps for further process of registration of revision in accordance with law.

4 On registration of an revision, issue notice to respondents.

5 Criminal Miscellaneous Application No.44 of 2026 stands disposed of accordingly.

(P. A. SANE)

Date : 10/08/2026

Additional Sessions Judge,
City Civil & Sessions Court,
Borivali Div.,Dindoshi, Mumbai.

Directly typed on computer : 10/08/2026
Checked & Signed by HHJ on : 10/08/2026

CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER”

Date : 10/08/2026

Time : 5.29 p.m.

UPLOAD DATE AND TIME

Mrs. P. P. Dabholkar
NAME OF STENOGRAPHER

Name of the Judge (with Court Room No.)	HHJ Shri. P. A. Sane (C.R. No.15)
Date of Pronouncement of JUDGMENT/ ORDER	10/08/2026
JUDGMENT/ORDER signed by P.O. on	10/08/2026
JUDGMENT/ORDER uploaded on	10/08/2026