

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (FOR CONDONATION OF
DELAY) NO. 4407 of 2026
In F/CRIMINAL REVISION APPLICATION/5695/2026

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DIVYESH HAMIRBHAI VAROTARIYA

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MR PIYUSH D GOHIL(13596) for the Applicant(s) No. 1

MR. MANAN MAHETA, ADDL. PUBLIC PROSECUTOR for the
Respondent(s) No. 1

RULE SERVED for the Respondent(s) No. 2

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CORAM:**HONOURABLE MR. JUSTICE VIMAL K. VYAS**

Date : 22/05/2026

ORAL ORDER

1. **RULE.** Learned APP Mr. Manan Maheta waives service of notice of rule for and on behalf of the respondent - State.

2. The applicant-accused has filed the present application under Section 5 of the Limitation Act for condonation of delay of 308 days caused in filing the captioned Criminal Misc. Application.

3. Learned advocate Mr. Gohil appearing for the applicant has submitted that the present applicant is in jail and with the help of his family members and friends, contacted an advocate of the Gujarat High Court. Thereafter, the family members of the applicant collected all the necessary documents and case papers and submitted them to the learned advocate for filing the appeal before this Hon'ble Court. Due to the time taken in completing the above procedure and the difficulties faced by

the family members, some delay occurred in filing the present application.

4. Heard learned advocates appearing for the respective parties.

5. Having considered the submissions advanced by the respective parties and having gone through the averments made in the application, it appears that the delay caused in preferring the Criminal Misc. Application has been sufficiently explained. The delay not being inordinate and as it is settled that in case of delay, the cause is material and not the length of delay, I am inclined to allow the present application and to condone the delay.

6. In view of the above, the application is allowed. The delay of 308 days caused in preferring the Criminal Misc. Application is hereby condoned. Rule made absolute.

(VIMAL K. VYAS, J)

YASH ARORA

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: YASH ARORA(HC02369), ENGLISH STENO GRADE-II\, at High Court of Gujarat on 22/05/2026 14:38:30