

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR CONDONATION OF DELAY) NO.
19784 of 2025****In F/CRIMINAL REVISION APPLICATION/37757/2025**

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RAJPUT VIJAYSINH NATVARSINH
Versus
STATE OF GUJARAT & ANR.

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Appearance:
MS NIKITA P RAO(12868) for the Applicant(s) No. 1
NOTICE SERVED for the Respondent(s) No. 2
ROHAN SHAH APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR.JUSTICE P. M. RAVAL**Date : 15/01/2026****ORAL ORDER**

1. Heard learned Advocate Ms. Nikita P. Rao for the applicant. Though served, none appears for Respondent No. 2.

2. The present delay application is preferred seeking condonation of delay in filing the Criminal Revision Application challenging the judgment and order dated 18.04.2025 passed by the in-charge 4th Additional Sessions Judge, Visnagar, below Exh. 5 in Criminal Appeal No. 116 of 2025, whereby, while suspending the sentence imposed upon the applicant for conviction for the offence punishable under the Negotiable Instruments Act, the Court below imposed a condition of depositing 20% of the cheque amount before the Court within 30 days.

3. The averments made by the applicant on oath, more particularly in paragraphs 3 and 4, read as under:

“3. The applicant states that due to financial constraints and inability of the applicant, till date time has been sought on all occasions before the learned Appellate Court below, but now having realized availability of no any other remedy but to approach this Hon’ble Court for kind indulgence, the applicant has preferred the present application.

4. The applicant submits that due to limited knowledge of applicant, it took a longer time to approach this Hon’ble Court. Therefore, the applicant could not move to this Hon’ble Court within the limitation period.”

4. From a reading of the aforesaid averments, it transpires that no sufficient cause has been made out. No iota of evidence has been placed on record, nor are the averments satisfactory to explain why the applicant failed to approach this Court within the period of limitation. The law on the aspect of condoning the delay is no more res-integra. It is well settled that the length of delay is not to be seen, but whether the sufficient cause is made out or not is to be seen. From the said averments, no sufficient cause is made out.

5. After dictation of the order, learned counsel for the applicant submitted that she would rely upon the judgment of the Hon’ble Supreme Court in the case of **State of Orissa v. Surendra Munda, reported in 2020 (0) AIJEL-SC 67241**, wherein it is observed in paragraph 3 as under:

“3. The original appellant before this Court was convicted for the offence punishable under Section 302 IPC and was sentenced to suffer life imprisonment. The appeal preferred by him was dismissed by the High Court on the ground of delay of 1192 days in preferring the appeal. The matter was thus not considered on merits. That order was set aside by

this Court and the matter was remitted to the High Court to consider the appeal on merits.”

6. Considering the referred judgment, it cannot be said that the Hon'ble Supreme Court has laid down that if there is an inordinate and unexplained delay, the delay is to be condoned. Since, in the referred judgment the question was with regards to delay in filing the appeal by the accused convicted for the offence under Section 302 IPC, and the High Court having rejected the delay of 1192 days in preferring the appeal which came to be challenged before the Hon'ble Supreme Court and the Hon'ble Supreme Court condoned the delay and remanded the matter back to the High Court to consider the appeal on merits. It was this order passed by the Hon'ble Supreme Court remanding the matter back to the High Court, which was sought to be reviewed, wherein, Hon'ble Supreme Court held that the considerations on account of delay and limitation ought not to negate the right of appeal inhering in an accused. However, the present is not a case where the applicant is before this Court by way of an appeal which inheres since, the revisional jurisdiction is even otherwise, not be invoked as a matter of right. In the case on hand, the applicant has failed to sufficiently explain as to what hold the applicant back in not preferring the revision application against the impugned order and under such circumstances, the cited judgment is of no help to the applicant. In view of the same, the present application for condonation of delay stands dismissed.

(P. M. RAVAL, J)

MMP

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: MAHENDRA MOHANBHAI PUROHIT(HCD0074), ENGLISH STENOGRAPHER GRADE TWO CLASS TWO, at High Court of Gujarat on 16/01/2026
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