



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 1690 OF 2022

The R.D.C.C. Bank Ltd. ...Petitioner
V/s.
State of Maharashtra & Anr. ...Respondents.

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Mr. Tuushar Sonawane for the Petitioner.
Mr. Swapnil V. Walve, APP for the Respondent/State.
Mr. Akshay Bankapur i/b Adv. Nishant Mokal for the Respondent No.2.
PSI Suraj Patil, Nagothane Police Station (Raigad) is present.

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CORAM : N.R. BORKAR, J.
DATE : 15.04.2026.

P.C. :

1. This petition takes exception to the order dated 15th January 2021 passed by the Additional Sessions Judge, Mangaon below Exhibit-1 in Criminal Miscellaneous Application No. 99 of 2020.
2. By the order impugned, learned Additional Sessions Judge has rejected the application filed by the present petitioner for condonation of delay in filing the appeal against the judgment and order dated 28th March 2019 passed by the Judicial Magistrate First Class, Roha in Regular Criminal Case No.116 of 2001.
3. I have heard the learned counsel for the petitioner - Bank and the learned counsel for respondent No.2.



4. Learned counsel for the petitioner – Bank submits that the petitioner – Bank learnt about the judgment and order passed by learned Magistrate only on 16th January 2020. It is submitted that after receipt of certified copy of judgment and order, the papers were forwarded to panel lawyer for filing appeal. It is submitted that in the meantime, Lockdown due to COVID Pandemic was declared and therefore, the appeal could not be filed within a period of limitation.

5. Learned counsel for the petitioner – Bank has drawn my attention to the order dated 8th March 2021 passed by the Hon'ble Supreme Court in Suo Motu Writ Petition (Civil) No.3 of 2020, by which, the Hon'ble Supreme Court has directed that the period of 15th March 2020 till 14th March 2021 shall be excluded from the period of limitation. It is submitted that the order impugned therefore, needs to be set aside and the application filed by the petitioner – Bank for condonation of delay be allowed.

6. On the other hand, learned counsel for the respondent No.2 has supported the order impugned.

7. I have perused the order impugned. The learned Sessions Court rejected the application on the ground that there was sufficient time from 19th January 2020 to 24th March 2020 to file appeal. The said delay does not appear to be deliberate as according to the petitioner – bank after receipt of certified copy on 18th January 2020, the papers were forwarded to panel lawyer.



Considering overall facts and circumstances of the case, the order impugned cannot be allowed to stand. Hence, the following order is passed.

ORDER

- A] The Petition is allowed.

- B] The order impugned is set aside and the delay is condoned.

- C] Considering the fact that the crime is of the year 2001, the Appellate Court shall endeavour to decide the appeal filed by the petitioner – Bank as early as possible.

[N.R.BORKAR, J.]