

GJVD010052582023



Filed On	03.08.2023
Registered On	03.08.2023
Decided On	08.09.2023
Duration	1 M 5 days

**IN THE COURT OF 5<sup>th</sup> ADDITIONAL DISTRICT & SESSIONS  
JUDGE  
AT VADODARA.**

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**CRIMINAL MISCELLANEOUS (DELAY) APPLICATION  
No.1921 OF 2023  
Exh. \_\_\_\_\_.**

**APPLICANT:** Axis Bank Ltd (Kosikalam Branch)  
Branch ID : 1058, 788/789, LGF & UGF,  
Shiv Shakti Palace, Nandgaon Road,  
Chhata, Mathura, Uttar Pradesh, 281403  
Represented by Branch Head of Sister branch  
At Vadodara Mr. Mitulkumar Shah

**VERSUS**

**OPPONENTS :** 1. State of Gujarat Through  
CYBER CRIME POLICE STATION,  
3<sup>rd</sup> Floor, Sulemani Cross Road, Opposite Water Tank,  
Above Panigate Police Station,  
District Vadodara

2. Amita Nagraj Padamshali

Age : Adult,

Residing at 217, Anandnagar, Gujarat Housing Board,

Near Sundaram Flat, Alembic Road,

Gorwa, Vadodara – Gujarat 390016

**APPEARANCE :**

Ld. Advocate Mr. V.M. Patel or the applicant

Ld. PP. Mr. Anilbhai Desai for the opponent no.1

None appeared for the opponent no.2

**An application U/s.5 of the Limitation Act, 1963.**

**:: J U D G M E N T ::**

1. By way of this application, the applicant-affected third party has prayed to condone the delay of 52 days caused in preferring Revision Application against the impugned judgment and order dated 14.03.2023 rendered by the Learned 34<sup>th</sup> Additional Chief Judicial Magistrate, Vadodara, in Criminal Misc. Application No. 983 of 2023 whereby Ld. Trial Court has directing the applicant bank to deposit Rs. 1,85, 342/- into account of the original complainant from Axis Bank Savings Account No. 922010045801512 bearing IFSC Code :UTIB0001058.

2. On notice being issued, other side i.e. opponent no.1 appeared through Ld. PP Mr. Anilbhai Desai and objected if delay is granted meanwhile on behalf of opponent no.2 none have remained present.
3. Heard the learned advocates.
4. The impugned order is passed on 14.03.2023 and, therefore, the appellant - applicant was required to file Revision Application within 90 days i.e. on or before 14.06.2023. However, this Revision Application is presented on 03.08.2023 with an application to condone the delay. Thus, there appears to be delay of about 52 days. It is submitted that the impugned order was sent by email to applicant's bank Vadodara branch on 18.03.2023 by opponent no.1, that since the applicant bank was not party in the proceedings and therefore, internal system of the bank decided to get legal advice with respect to the impugned order and in these proceedings considerable time has gone by to decide to approach this Hon'ble Court and it also took time to get certified copies of the

record of the case. Further, it is submitted that since the applicant bank branch was located far away from the Hon'ble Court in other state and it take time to engage a local lawyer to represent the applicant bank branch. Thereafter, application for obtaining certified copy was made on 01.07.2022 and the certified copies was delivered on 27.07.2023 and therefore, applicant could not file Revision Application within stipulated time limit.

5. Though the other side has objected to this application, this Court is of view that since this is Revision Application and it is a statutory remedy available to the applicant – necessary party, the delay caused in filing this Revision Application deserves to be condoned. In the result, the following order is passed.

### **O R D E R**

1. The delay of 52 days caused in preferring Revision Application against the impugned judgment and order dated 14.03.2023 rendered by the Learned 34<sup>th</sup> Additional

Chief Judicial Magistrate, Vadodara, in Criminal Misc. Application No. 983 of 2023 is hereby condoned.

2. The Registry, is hereby directed to registered the Revision Application against the impugned order in accordance with law.

Pronounced today i.e. on day 08<sup>th</sup> day of September, 2023.

**Place: Vadodara**

**Date:08.09.2023**

**(Maksudahmed Muzaffarhusen Saiyed),**

5th Additional Sessions Judge,

*Code No.GJ00618.*

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