

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/CRIMINAL MISC.APPLICATION (FOR CONDONATION OF
DELAY) NO. 9385 of 2026**

In

F/CRIMINAL APPEAL/13483/2026

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M/S RETECH INFOSYS THROUGH MANOLIBEN RAHINBHAI SHAH

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MR RAVISH D BHATT(5867) for the Applicant(s) No. 1

MR RUSI B TRIVEDI(11227) for the Respondent(s) No. 2

MS JIRGA JHAVERI APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE HEMANT M. PRACHCHHAK

Date : 08/09/2026

ORAL ORDER

1. RULE. Learned counsel waives service of notice of rule on behalf of the respective respondents.
2. The application is filed by the applicant to condone the delay of 812 days occurred in filing the Criminal Appeal.
3. Learned counsel for the applicant has submitted that sufficient explanation has been made in para - 3 onward of the application. He has submitted that the application deserves to be allowed and the delay occurred in filing the Criminal Appeal deserves to be condoned.
4. It emerges from the record that the applicant had already availed the remedy by way of referring criminal revision application

before this Court and in view of the decision of the Apex Court in the case of **Celestium Financial Vs. A.Gnanasekaran Etc.** reported in **2025 (3) GLH 747** which is subject matter is now pending at large before the Hon'ble Supreme Court in M/s. Everest Automobiles Vs. M/s. Rajit Enterprises in Special Leave to Appeal No.12350 of 2024 wherein the Hon'ble Supreme Court has observed that it is desirable that a larger Bench gives an authoritative pronouncement on this issue as it has far-reaching consequences.

5. It also appears that against the order passed by the Sessions Court, the applicant pursued the remedy available under the law and preferred criminal revision application, which came to be withdrawn by the applicant and thereafter approached this Court by filing the present appeal whereby the delay has been occurred.

6. Considering the averments and explanation given in the application and considering the decision of the Hon'ble Supreme Court in the case of **Purni Devi Vs. Babu Ram, AIR 2024 (Supp) 1933 : AIR Online 2024 SC 374**, this Court finds that the sufficient cause is made out to condone the delay.

7. In view of the above, the delay occurred in filing the Criminal Appeal is hereby condoned. The application stands disposed of accordingly. Rule made absolute.

(HEMANT M. PRACHCHHAK,J)

V.R. PANCHAL