

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.198 OF 2014
IN
CRIMINAL APPEAL [ST] NO.18 OF 2014

Sureshkumar Bhikamchand Jain ..Applicant

Versus

Prakash Shankarlal Lalwani
and anr. ..Respondents

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Mr.S.S.Bora, advocate i/b. Mr.S.S.Deshmukh,
advocate for applicant

Mr.V.P.Kadam, APP for respondent no.2 – State

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CORAM : M.T. JOSHI, J.
DATE : AUGUST 24, 2015

PER COURT :

Heard Mr.Bora, learned counsel for the applicant. He submits that as per the directions of this Court, a private notice was issued by the applicant/original complainant to the respondent/original accused by R.P.A.D. The envelope returned from the postal department would show

that the respondent has refused to accept the service of the envelope.

2] By way of present application, delay of 36 days caused in filing the application for grant of leave to file appeal against the order of acquittal passed by learned Addl. Sessions Judge for the offence punishable under Section 138 of the Negotiable Instruments Act, is sought to be condoned. The respondent was earlier convicted by learned Judicial Magistrate F.C. and in appeal, he came to be acquitted by learned Addl. Sessions Judge.

3] In the circumstances, for the reasons stated in the application, the delay is hereby condoned. The application is allowed and disposed of accordingly.

[M.T. JOSHI, J.]