

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO. 719 OF 2015
IN
CRIMINAL APPLICATION NO. 718 OF 2015**

Maharashtra State Housing
Finance Corporation

..APPLICANT

VERSUS

Laxminarayan Rathod

..RESPONDENT

....

Mr. S.D. Kotkar, Advocate for applicant.
None for respondent.

....

**CORAM : M.T. JOSHI, J.
DATED : 9th DECEMBER, 2015**

ORAL ORDER :

Heard learned Counsel for the applicant. None appeared for the respondent though duly served.

2. Learned Counsel for the applicant files on record true copy of the order passed in departmental enquiry which would show that the concerned officer was terminated from the services for dereliction in official duties including the present one. The same is accepted and marked as 'Exhibit X'.

3. Aggrieved by the acquittal of the respondent from the offence punishable under Section 138 of the Negotiable Instruments Act, the applicant filed the application for leave to file appeal. As the delay of 2915 days has occurred in filing the said application, present application for condonation of delay is filed.

4. Since the material on record would prima facie show that negligent act of one of the officer of the applicant/corporation was the cause for delay and the applicant has taken due care in dealing with the said officer, in my view, the applicant/corporation cannot be blamed for delay in filing the application for leave to file appeal.

5. The delay is therefore condoned. Application is allowed and disposed of accordingly.

6. Place Criminal Application No.718/2015 for hearing on 12th January, 2016.

(M.T. JOSHI, J.)