

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

17. CRI.APPLN/1072/2015 In CRI.APPLN/1071/2015 WITH
CRI.APPLN/1071/2015

SMT. ARCHNA W/O NITIN SHINDE
V/S
JAIAMBIKA SHIKSHAN PRASARAK MANDAL AURANGABAD & ANR.

Mr. P.S. Dighe, Advocate for applicant.

Mr. D.K. Dagadkhair, Advocate for respondent Nos. 1 and 2.

CORAM : T.V. NALAWADE, J.
DATED : 3rd August, 2015.

ORDER :

1. The application is filed for condonation of delay of 330 days caused in filing criminal application for grant of leave to file appeal under section 378 (4) of Cr.P.C. Both the sides are heard.

2. It appears that private complaint filed under section 138 of Negotiable Instruments Act by the applicant is dismissed by the learned J.M.F.C. Beed under section 256 of Cr.P.C. The accused had not appeared in the said matter. They were served with summons. Application for issuing NBW was made. After dismissal of the complaint, Criminal Revision No. 42/2014 was filed in the Court of Sessions Judge, Beed. But as the matter was not tenable, it was subsequently withdrawn, though after one

year. In view of these circumstances, this Court holds that sufficient cause is shown. In the result, the application is allowed. Delay is condoned.

3. Notice in Criminal Application No. 1071/2015. Learned counsel Shri. D.K. Dagadkhair waives notice for respondent Nos. 1 and 2. Stand over to 1.9.2015. List the matter for final disposal at admission stage.

[T.V. NALAWADE, J.]

SSC/