

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.
Criminal Appellate Jurisdiction.**

**CRIMINAL APPLICATION NO. 3445 OF 2014.
IN
CRIMINAL APPLICATION NO./3444/2014.**

**SHRI.KEDARESHWAR SAHAKARI SAKHAR KARKHANA LTD.
VERSUS
THE STATE OF MAHARASHTRA & OTHERS.**

Appearance =>

Mr. Ashwin V. Hon, Advocate for the Applicant.

Mr. P.N. Muley, Additional Public Prosecutor for the State of Maharashtra.

Mr. N.R. Shaikh, Advocate h/for Mr. B.V. Wagh, Advocate for Respondent No.2.

CORAM : M.T. Joshi, J.

DATE : 1st September, 2015.

Per Court :-

Heard.

[2] Mr. Ashwin Hon, the learned counsel for the Applicant submitted that, present Applicant who is a Co-Operative Sugar Factory could not file application for leave to prefer Appeal against the decision of the learned Judicial Magistrate, First Class, acquitting the Respondent No.2 for offence punishable under Section 138 of the Negotiable Instruments Act, 1881, as the Sugar Factory itself is closed since last 2 to 3 years and is also facing proceedings under the

Securitization and Reconstruction of Financial Assets and Enforcement of Securities Act, 2002.

[3] Considering the difficulty, in my view, sufficient reason is made out. Delay is required to be condoned. Hence, Criminal Application is allowed and delay is condoned.

[4] Application for leave to prefer Appeal be placed for hearing on 22nd September, 2015.

[5] Mr. N.R. Shaikh, Advocate h/for Mr. B.V. Wagh, Advocate waives service of notice for Respondent No.2.

(M.T. JOSHI, J.)