

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISC. APPLICATION NO. 15 OF 2015

IN

STAMP NUMBER MAIN NO. 109 OF 2015

MR. RAKESH KAMBLI.

... Applicant

Versus

MR. AJIT TARI AND ANR.,

... Respondents

Mr. S. Saudagar, Advocate for the applicant.

Ms. Sneha Shetye, Advocate for the respondents.

Coram:- C. V. BHADANG, J.

Date:- 7th July, 2015

P.C.

This is an application for condonation of delay of 3 years 33 days in challenging the order dated 9 December 2011 of the Registrar, refusing registration of Stamp (main) No.1138 of 2011. Stamp (main) No.1138 of 2011 was an application for leave to appeal against acquittal, which was rejected on account of the non-compliance with certain office objections.

2. It is submitted that there is another appeal against acquittal, filed by the applicant against the respondents in respect of another cheque, that appeal is already admitted. The sole ground urged is that the applicant would under impression that both these appeals were admitted. However, when it was learnt that the present application was rejected for want of compliance with some objections, there was already a substantial delay, which according to the applicant is

neither out of negligence nor on account of lack of diligence. The prayer is opposed on behalf of the respondents on the ground that there is gross delay.

3. On hearing the learned counsel for the parties, it appears that by an order dated 9 December 2011 passed by the Registrar, the registration of the Stamp (main) No.1138 of 2011 was refused. It is undisputed that there is a connected appeal in respect of the dishonour of some other cheques, between the same parties, which was filed and which is admitted. On consideration of the overall circumstances and the fact that the application was rejected at the stage of registration itself, the delay in filing the revision application is condoned subject to the applicant depositing an amount of Rs.5,000/- with the Goa State Legal Services Authority, within a period of one week.

4. Let the Stamp (main) number be registered.

5. Criminal Misc. Application is disposed of accordingly.

C. V. BHADANG, J.

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