

FARAD CONTINUATION SHEET No.  
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.231 OF 2014

Mr.Sharad K. Sawant V/s. Chawla Interbild Const. Co.Pvt.Ltd. & Ors.

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| Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Prothonotary's orders | Court's or Judge's orders |
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Mr.Surel S. Shah, for applicant-appellant.  
Mrs.P.P. Bhosale, APP for Respondent-State.

**CORAM : A.R. JOSHI, J.**  
**DATE : 10TH JULY 2015**

**P.C.:**

1. Heard learned counsel for the applicant on this application for condonation of delay of 333 days in preferring the appeal challenging the acquittal of respondent nos.1 to 5 in the matter of offence punishable under section 138 of Negotiable Instruments Act.

2. Respondent nos.1 to 5 are served by registered post the acknowledgments are filed. Affidavit is filed to that effect by the applicant.

3. It appears that initially after the dismissal of the

complaint under section 138 of Negotiable Instruments Act, for want of prosecution, respondent nos.1 to 5 were acquitted. Said acquittal was challenge before the same JMFC Court but without any success. Thereafter a Writ Petition was preferred before this court and during its pendency it was ascertain that the applicant had remedy of appeal challenging the order of acquittal under section 378(4) of Cr.P.C. As such the writ petition was allowed to be withdrawn with liberty. Apparently, this has caused the delay. In the opinion of this Court the said delay can be condoned hence present application is allowed. Delay is condoned.

4. Now the application for leave to file appeal is required to be serve on respondent Nos.1 to 5. Notice be issued against respondent nos.1 to 5. In the notice it be mentioned that the matter may be disposed of finally at the admission stage itself.

5. Considering the small issue involved as to challenge to the order of dismissal on account of default. Applicant to serve respondent nos.1 to 5 by all possible modes and also by RPAD.

The learned APP for respondent no.6-State waives service. Stand over to 05<sup>th</sup> August 2015.

**(A.R. JOSHI, J.)**