

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL REVISION APPLICATION NO.473 OF 2015

Mr. Prasad Rameshrao Chavan

...Applicant

Versus

Shriram City Union Finance Ltd. &
Anr.

...Respondents

.....

Mr. Ashish P. Pawar i/b. Mr. Manoj A. Patil for the Applicant.

Mr. Anand S. Patil for Respondent No.1.

Mr. J.H. Ramugade, APP for Respondent No.2-State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 26th OCTOBER, 2015.

P. C. :

The Applicant herein has challenged the impugned order dated 18th July, 2013 whereby the learned Sessions Judge, Kolhapur, dismissed the Misc. Criminal Application No.150 of 2011. The Applicant herein, who was accused in C.C. No.4761 of 2009 pending on the file of Judicial Magistrate, First Class, Court No.10, Kolhapur, has been convicted for the offence punishable under section 138 of the Negotiable Instruments Act. The Applicant had filed an appeal before the Sessions Court at Kolhapur alongwith application for condonation of delay. The said application came to be dismissed for default by

order dated 18th July, 2013.

2. Mr. Anand S. Patil, the learned counsel for the Respondent No.1 has filed his affidavit. He has given no objection for setting aside the impugned order dated 18th July, 2013.

3. In the light of the statement made by the learned counsel for the Respondent No.1, without going into the merits of the case, the impugned order is set aside.

4. Misc. Criminal Application No.150 of 2011 is restored to file. Both the parties are directed to appear before the Sessions Court, Kolhapur, on **16.11.2015** at 11.00 a.m.

(ANUJA PRABHUDESSAI, J.)