

RRP

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE**

CRIMINAL APPLICATION NO. 108 OF 2015

Shri. Pravin Digambar Jagtap : Applicant
Org.Complainant

Versus

Shri. Shivaji Shankar Dangat & Anr. : Respondents

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Mr.Anand S. Patil for the applicant.

Mr.Vaibhav V. Ugale for respondent no.1

Mr.A. R. Patil, Addl.Public Prosecutor for the State

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CORAM: A. R. JOSHI, J.

DATE :- 15 JULY 2015.

PC.:

Heard rival submissions on the applicant for condonation of 93 days delay in preferring the appeal alongwith application for leave. The delay is caused because of lack of communication between the applicant (original complainant) and his Advocate.

2. The original complaint lodged by the present applicant was pending before the concerned JMFC for action to be taken against the present respondent no.1, the then accused under section 138 of The Negotiable Instruments Act.

3. Apparently, delay of 93 days is caused in preferring the application for leave to appeal. The application is objected on behalf of the respondent on the ground that there was no sufficient reason for the delay in preferring the application.

4. The factual position at present is that the original complaint lodged by the present applicant was dismissed for want of prosecution apparently for the absence on one or two dates.

5. Initially, the complaint was lodged on or about 8th October 2013. Thereafter, till February 2014, the applicant was remaining present before the Court. Thereafter, he remained absent and the matter came to be dismissed without hearing on merits.

6. In the opinion of this Court the delay of 93 days caused in preferring the appeal is required to be condoned and the same is accordingly condoned.

7. Application is allowed.

(A. R. JOSHI, J.)