

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

**CRIMINAL APPLICATION NO.225 OF 2015
IN
CRIMINAL APPLICATION NO.4372 OF 2009**

Sau.Hiravati Jayrampant Lagad ... **Applicant**
V/s.
Shri.Vitthal Karbhari Gangurde & Anr. ... **Respondents**

.....

None for the Applicant.
Mr.Deepak Thakre, APP for the Respondent/State.

....

CORAM : ABHAY M. THIPSAY J.

DATED : 6TH MAY 2015

P.C.

1. None present for the applicant, when called out.
2. The application is dismissed.

Later On :

Mentioned by Mr.Chetan Damre for the applicant.

3. The order of dismissal is recalled. The application is heard on merits.

4. The application is for condonation of delay in filing the present application and for restoration of the application for leave to appeal. The delay is of 4 years and 311 days. No satisfactory reasons for condonation of such abnormal delay, have been given. It is not possible to hold that 'sufficient cause' for not filing the application within the prescribed period has been shown.

5. Moreover, the original application is for leave to appeal against an order of acquittal passed in the year 2004. The acquittal resulted in a case, which was in respect of offence punishable under Section 138 of the Negotiable Instruments Act. The amount of the cheque is Rs.15,000/-.

6. Under the circumstances, I am not inclined to condone the delay.

7. The application is rejected.

(ABHAY M. THIPSAY J.)