

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

CRIMINAL APPLICATION NO.177 OF 2015

Sangli Urban Cooperative Bank Ltd. ..Applicant

V/s.

Shree Vishweshwar Cold Storage

Pvt.Ltd. & 5 Ors.

.. Respondent

Mr.G.H.Keluskar, for the applicant/appellant.

Mrs.Anamika Malhotra, APP for the Respondent-State.

Mr.Saripatta P. Sarnath i/by Mr.Umesh Mankapure, for
respondent no.1 & 2.

Mr.Akshay Kulkarni i/by Mr.Ashutosh M. Kulkarni, for
respondent no.5.

CORAM : A. R. JOSHI, J.

DATE : 12th OCTOBER, 2015.

P.C.

1. Heard rival submissions for some time on this application for condonation of delay of 51 days in preferring the application for leave to file appeal challenging acquittal of the respondents in the matter of offences punishable under sections 407 and 424 read with section 34 of Indian Penal Code. Learned Counsel for the respondents objected for grant of relief.

2. Reasoning given in the application for delay is that

the applicant being a Co-operative Bank had taken time to take permission to challenge the order of acquittal and then to engage a lawyer. Apparently it was a systemic delay to prefer the appeal challenging the acquittal. Considering this ground the delay of 51 days is condoned. The application is allowed.

3. The main application for leave to file appeal be numbered and be taken up for admission on 26th October 2015.

4. Learned counsels for the respondents waive service of the application for leave to file appeal. However, learned counsel for the applicant to serve copy of the application for leave and other relevant documents on both the learned counsels for the respondents who are present today.

(A. R. JOSHI, J)