

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

CRIMINAL APPLICATION NO. 506 of 2013

M/s. Orasi Technology (I) Pvt. Ltd. .. Applicant

v/s.

Teamwork Technology & Ors. ..Respondents

Ms. Dipika Nadar i/b. M/s. Legal Bond & Associates for the Applicant.
Mr.O.B.Molankar for the Respondent Nos.1 and 2.
Mr.J.H.Ramugade, APP for the State.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : OCTOBER 21, 2015.**

P.C.

1. The applicant herein was the complainant in Criminal Case No. 870/SS/2007 filed before the learned Metropolitan Magistrate's 62nd Court, Dadar, Mumbai under Section 138 of the Negotiable Instruments Act. By judgment dated 13.6.2012 the learned Magistrate dismissed the complaint and acquitted the respondent accused of offence under Section 138 of the Negotiable Instruments Act. The applicant herein filed appeal along with application for condonation of delay before the Sessions Court, Gr. Mumbai at

Sewree. The learned Addl. Adhoc Sessions Judge, dismissed the application mainly on the ground that the appeal against the order of acquittal was not maintainable before the Sessions Court. In view of the said order, the applicant has filed the application before this court under Section 378(4) of Cr.P.C. along with application for condonation of delay.

2. Having heard learned Counsel for the applicant and having perused the grounds set out in para 4 of the application and also considering the fact that the applicant herein was pursuing the remedy under a wrong Forum, in my considered view, the delay in filing the appeal requires to be condoned. Hence the application is allowed. Delay is condoned.

3. Application for leave to appeal be registered.

(ANUJA PRABHUDESSAI, J.)