

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

CRIMINAL APPLICATION NO. 1607 OF 2012

Prakash Hiralal Pandya

.. Applicant

v/s.

Dinkar Laxman Aakde & Anr.

..Respondents

Mr. Amey Desphande for the Applicant.

None for the Respondent

Mrs. Newton APP for the State.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : SEPTEMBER 11, 2015.**

P.C.

1. None present for the respondent though duly served.
2. Heard. By this application, the applicant has sought to condone the delay of 48 days in filing the application for leave to appeal.
3. The applicant was the complainant in CC.NO. 5434/2004 filed before the Judicial Magistrate First Class, Evening Court, Nashik under Section 138 of the Negotiable Instruments Act. The said complaint came to be dismissed on 16.8.2012 under Section 256 of Cr.P.C. The applicant has stated that he is a handicapped person and

does not enjoy good health. He has further stated that he learnt about the said order on 6.10.2012. He applied for certified copy on 9.10.2012 and that he was unable to file the application immediately on account of Diwali Vacation.

4. Having gone through the contents of the application and having considered the submission of the learned Counsel for the application, I am satisfied that the delay is sufficiently explained. Hence, the delay is condoned.

5. Application be registered.

(ANUJA PRABHUDESSAI, J.)

CERTIFICATE

Certified to be true and correct as per the original signed judgment/order.