

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH, NAGPUR**

**Criminal Application [APPP] No.1131 of 2014**  
**in**  
**Criminal Application [APPA] No.435 of 2014**

(The Vidarbha Co-operative Marketing Society Limited, Nagpur  
vs.  
Shriram Krushi Sewa Kendra, Pasapur)

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Office notes, Office Memoranda of  
Coram, appearances, Court's orders  
or directions and Registrar's orders.

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Court's or Judge's Orders

**CORAM : PRASANNA B. VARALE, J.**

**DATE : APRIL 16, 2015.**

Heard Mr. T.U. Tathod, the learned Counsel for  
the applicant.

By the present application, the applicant/appellant  
is seeking condonation of delay of three days caused in filing  
the appeal challenging the judgment and order passed by the  
learned Judicial Magistrate First Class in Summary Criminal  
Case No.3238/2004 thereby acquitting the accused for the  
offence punishable under Section 138 of the Negotiable  
Instruments Act.

The learned Counsel for the applicant, by inviting  
my attention to the reasons stated in the application and more  
particularly at paragraph 3, submits that as the concerned  
officer, who was to instruct the Counsel and was to swear the

affidavit, was not keeping good health and attended the learned Counsel after a week, when the appeal was drafted. The learned Counsel submits that the delay of three days caused in filing the appeal is purely unintentional and for the *bona fide* reasons.

The notice was issued to the respondent sole. Though the respondent sole is represented through Counsel, none appears for the respondent nor any reply to the application is filed opposing the same.

In view of the submission of the learned Counsel for the applicant and for the reasons stated in the application, the application is allowed and the delay is condoned.

**JUDGE**

*\*sdw*