

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.1680 OF 2015
IN
CRIMINAL APPLICATION NO.1679 OF 2015

Kishor s/o. Guruling Waghanna ..Applicant

Versus

Anirudha s/o. Lalasaheb Patil
and anr. ..Respondents

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Mr.S.S.Panale, advocate for applicant

Mr.N.J.Patil, advocate for respondent no.1

Mr.R.B.Bagul, APP for respondent no.2

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CORAM : M.T. JOSHI, J.

DATE : JANUARY 07, 2016

PER COURT :

Heard both sides.

2] Aggrieved by dismissal of the complaint filed under Section 138 of the Negotiable Instruments Act in default and acquittal of the respondent, present applicant/original complainant wants to prefer an application for grant of leave to file

appeal and since there is delay of 581 days, present application for condonation of delay is filed.

3] Submissions from both sides as well as the copy of Roznama would show that the complaint was filed on 5th February, 2010. After securing appearance of the present respondent/accused, the applicant complainant remained absent on many dates, still learned Judicial Magistrate F.C. adjourned the matter. The application filed by the applicant/complainant for issuance of non bailable warrant to the respondent/accused, was allowed on costs, but the costs was not deposed by the applicant. This continued from 26th August, 2010 till the date of dismissal of the complaint on 27th June, 2013. Even, earlier, learned Judicial Magistrate F.C. had fixed the complaint for passing the order of dismissal of the complaint thereby a forewarning was given to the applicant

that in case, no progress is made, the complaint would be dismissed.

4] Upon hearing both sides, in my view, there is no merit in the present case. In the circumstances, there is no need to condone the delay of 518 days caused in preferring the application for grant of leave to file appeal. The application is therefore, rejected.

5] In view of the above, the application for grant of leave to file the appeal, does not survive and stands disposed of.

[M.T. JOSHI, J.]

kbp