

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

CRIMINAL WRIT PETITION NO.571 OF 2016

Balaji s/o Hanumant Kachewar ...Petitioner

VERSUS

Uttamrao Kachru Dambale ...Respondent

.....
Shri A.S.Deshmukh, advocate for petitioner
.....

CORAM : N.W.SAMBRE, J.

DATED : 13th October, 2016

PER COURT :-

Heard Shri A.S.Deshmukh, learned counsel
for the petitioner.

2. The learned Judicial Magistrate, First Class, Sailu, pursuant to the provisions of Proviso to sub-section (b) of Section 142 (1) of the Negotiable Instruments Act (for short, 'the Act') has refused to condone the delay caused in preferring complaint under the Act.

3. It is the case of the present petitioner/complainant that on the medical ground he was not able to prosecute the proceedings within the time frame prescribed under the Act.

4. Shri Deshmukh, learned counsel would invite my attention to the angioplasty undergone by the petitioner and ailment of his mother.

5. In my opinion, even if the petitioner is suffering from heart ailment and was required to undergo angioplasty, still in my opinion, delay of 6 months caused in preferring the complaint is not properly explained. No fault could be noticed in the order impugned so as to cause interference in the extra ordinary jurisdiction of this Court. Petition thus fails and is dismissed accordingly.

(N.W.SAMBRE, J.)

dbm/crwp571.16