

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

CRIMINAL APPLICATION NO. 2924 OF 2015

Dr. Jayprakash Mundada Urban Co-op.
Bank Ltd., Jawla Bazar ...Applicant

versus

Devashis Trading Company ...Respondent

.....
Mr. S.G. Gangakhedkar, Advocate for applicant
Mr. S.K. Chavan, Advocate for respondent
.....

CORAM : N.W. SAMBRE, J.

DATE : 14th MARCH, 2016

ORAL ORDER :

Heard.

2. Learned Judicial Magistrate, First Class, Aundha (N) on 07/05/2015 in Summary Criminal Case No. 141 of 2011 was pleased to acquit the respondent-accused of an offence punishable under Section 138 of the Negotiable Instruments Act, on the ground that the complaint was not filed within prescribed limitation.

3. Looking to the dates as are narrated in paragraph-22 of the judgment, in my opinion, case for consideration is made out.

4. In view thereof, leave to file an appeal stands granted.

5. Appeal ***Admit.***
6. Learned Counsel appearing on behalf of respondent waives service for respondent.
7. Action under Section 390 of Code of Criminal Procedure to follow.

[N.W. SAMBRE, J.]