

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

**CRIMINAL APPLICATION NO. 2933 OF 2015
IN/WITH
CRIMINAL APPLICATION NO. 2931 OF 2015**

Gangamai Agro Trust,
Through it's Authorized Signatory,
Suresh s/o Murlidhar Hiwarde,
Age: 40 years, Occ: Service,
R/o. Harinagar, Najik Babhulgaon,
Post. Rakshi, Tq. Shevgaon,
Dist. Ahmednagar.

...Applicant

versus

Bapu s/o Bhila Borse,
Age: Major, Occ: Mukadam,
R/o. Kalinkanagar, Bhadgaon road,
Pachora, Tq. Pachora,
District Jalgaon.

...Respondent

.....
Mr. S.B. Kakade, Advocate for applicant
Mr. U.Y. Patil, Advocate for respondent
.....

CORAM : N.W. SAMBRE, J.

DATE : 9th JUNE, 2016

ORAL ORDER :

This application is filed against the order of rejection of condonation of delay in presentation of the complaint under Section 138 of the Negotiable Instruments Act.

2. The complaint in question was returned to the present applicant on 29/09/2014 by learned Judicial Magistrate, First Class,

Sillod for presentation of the same to the competent Court within period of 30 days. In stead of presenting the complaint within period of 30 days, it was presented to the Court of learned Judicial Magistrate, First Class, Raver after lapse of 30 days. Along with the complaint, an application for condonation of delay was came to be moved. Learned Magistrate rejected the said application on 07/11/2014 on the ground that the provision for condonation of delay is not brought to the notice of the learned Magistrate. Same query is faced by learned Counsel for the applicant so as to demonstrate under which provision the Court is empowered to condone delay for presenting the complaint under Section 138 of the Act.

3. Upon perusal of the provisions of Sections 138 and 142 of the Negotiable Instruments Act, there is hardly any provision empowering the Court to condone delay, as claimed.

4. In this background, no case for grant of leave to appeal is made out. Leave refused. As such, both the applications stand rejected.

[N.W. SAMBRE, J.]