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

CRIMINAL WRIT PETITION NO. 752 OF 2016

Mohammad Abdul Bari s/o Gulam Jilani
Fqrooqui,
Age: 59 years, Occu: Business,
R/o. Tervi Line, Dhande Galli,
Beed, Tq. & Dist. Beed ..PETITIONER

VERSUS

1. The State of Maharashtra
2. Mohd. Shakil s/o Mohd. Khalil,
Age: 39 years, Occu: Business,
R/o. Bashir Gunj, Beed,
Tq. & Dist. Beed ..RESPONDENTS

Mr S. P. Katneshwarkar, Advocate for petitioner;
Mr C. V. Dharurkar, A.P.P. for respondent/State

CORAM : N.W. SAMBRE, J.

DATE : 26th OCTOBER, 2016

ORAL ORDER :

Learned Judicial Magistrate First Class,
Beed condoned delay of 4 days in entertaining the
complaint under Section 138 of the Negotiable
Instruments Act, by an order dated 1st July, 2015
in M.C.A. No. 786 of 2014, which order was

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confirmed below Exh. No. 10/B in Criminal Revision No. 91 of 2015 by learned Sessions Judge, by an order dated 26th April, 2016.

2. While questioning both the orders and also the very cause for condonation of delay, Mr. Katneshwarkar, learned Counsel for the applicant-complainant would urge that certification that respondent-complainant was suffering from disease, will hardly be of any consequence for not presenting the complaint within time. According to him, order of condonation of delay is without any bonafides of the complainant and as such, the orders impugned are not sustainable.

3. Having perused the order of learned Magistrate, it is noted that the Magistrate has ordered condonation of delay of 4 days in presenting the complaint under Section 138 of the Negotiable Instruments Act. Learned Sessions Judge has confirmed the said order in the revision after considering the medical certificate.

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Mr. Katneshwarkar, learned Counsel was right in pointing out that no opportunity of cross examination was given, however, looking to the fact that the Courts below have exercised discretionary powers in condoning the delay, no interference in extraordinary jurisdiction is called for. As such, criminal writ petition fails and stands dismissed.

(N.W. SAMBRE, J.)

Tupe