

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.77 OF 2015

VAJIR MUSSA MUJAWAR

)...APPLICANT

V/s.

SHOUKATALI LALASAHEB PATHAN & ANR.)...RESPONDENTS

Shri Umesh Kurund, Advocate for the Applicant.

None for Respondent No.1.

Smt.M.R.Tidke, APP for the Respondent - State.

CORAM : ABHAY M. THIPSAY, J.

DATE : 29th MARCH 2016.

P.C. :

1 The applicant had prosecuted respondent no.1 on the allegation that he had committed an offence punishable under Section 138 of the Negotiable Instruments Act (N.I.Act). The trial resulted in acquittal of respondent no.1. The applicant, being

aggrieved by the said order, intends to file an appeal against the said order of acquittal. He has, therefore, applied for special leave of this court for filing such an appeal. Since the application seeking special leave was not filed within the prescribed period, the present application has been made for condonation of delay in making an application for special leave.

2 The learned counsel for respondent no.1 had informed that respondent no.1 has already passed away. The learned counsel for the applicant accepts and confirms the fact of death of respondent no.1.

3 As such, the appeal is not competent. It is, therefore, futile to consider the question of grant of leave to file an appeal, and consequently, consider the question of condonation of delay.

4 The application for condonation of delay is disposed of, as also the application for leave to appeal, with the aforesaid observations.

5 The application for leave to appeal be, however,
numbered.

(ABHAY M. THIPSAY, J.)