

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 498 OF 2014
IN
CRIMINAL APPEAL NO. OF 2014

Smt. Simantani Gangaram Kadam ... Applicant
vs.
The State of Maharashtra & Anr ... Respondents

Mr. Bhushan Joshi, Advocate for the applicant.
Mr. H.J.Dedhia, APP, for the State.

CORAM: SMT. SADHANA S.JADHAV, J.
DATE : 1st February, 2016.

P.C.

The learned counsel for the applicant submits that there is change of address of the respondent and therefore he could not file the spare copies and could not cause service upon the respondent. The applicant happens to be the original complainant. The applicant is challenging the judgment and order passed by 4th J.M.F.C., Satara dated 6.2.2014, wherein the respondent is acquitted of the offence punishable under Section 138 of the Negotiable Instruments Act. The learned counsel submits that the applicant has a good case on merits. Since there was change of address, he could not serve upon the respondent. There is delay

of 4 months in filing the application seeking elave to appeal.

2. For the reasons assigned in paras 3 and 4 of the application, the application seeking condonation of delay deserves to be allowed on depositing fine of Rs.500/- in this Court within two weeks from today.

ORDER

(I) The application is allowed in terms of prayer clause (a). The delay of 115 days is condoned in the interest of justice.

(ii) The applicant shall deposit fine of Rs.500/- in this Court within two weeks from today. Upon failure to deposit the same within the stipulated period, the application shall stand dismissed for want of prosecution.

(iii) Leave to add/amend in the main application.

(SMT.SADHANA S.JADHAV, J.)