

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL WRIT PETITION NO. 105/2015

(Sevakramji s/o Ramji Sahu vs. Narendrakumar Gowardhandas Agrawal)

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Office Notes, Office Memoranda of
Coram, appearances, Court's orders
of directions and Registrar's orders

Court's or Judge's order

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Ms. Meenakshi Zunke, h/for Mr N.P.Singhania, Advocate for applicant
Mr. R. Dhande, Advocate for respondent

CORAM: A.B.CHAUDHARI, J.

DATED : 27th January, 2016.

Prayer Clause (i) of the Writ Petition reads
thus:

(i) quash and set aside the order dated 7.11.2014 passed below Exh.83 together with order dated 20.12.2014 passed below Exh. 84 by the learned Additional Sessions Judge-1, Achalpur in Regular Criminal Appeal No.14/2007 (Annexure H)".

The orders below Exhs. 83 and 84 are practically of self-same nature.

The Applications were filed for adducing additional evidence before the lower Appellate Court in an appeal pending since 2007 in relation to the conviction and order of compensation in a prosecution under Section 138 of the Negotiable Instruments Act, against the petitioner.

The petitioner wanted to file a copy of the judgment in which he was acquitted in a similar type of case, namely, Summary Cri. Case No.4891/2006 on 19.12.2009 which, of course, was a separate case having no connection whatsoever with the case in hand. The lower Appellate Court found so and, therefore, reached the conclusion that a wholly irrelevant judgment is sought to be brought on record, as a result of which, the Appeal of the year 2007 could not proceed. The Appellate Court found that the petitioner was adopting dilatory tactics in order to procrastinate hearing of the Appeal. Be that as it may, I have examined the submissions and the impugned orders and find that certified copies in Summary Cri.Case Nos. 4891/2006 and 2887/2003 have absolutely no relevance whatsoever with the matter in hand. Therefore, the Appellate Court was right in disallowing the prayer by rejecting both the Applications. There is no substance in the petition. Hence the following order :

ORDER

- (a) Criminal Writ Petition No. 105/2015 is dismissed.
- (b) Since the Appeal relates to the year 2007 the lower Appellate Court shall decide the same within a period of three months from today.

JUDGE

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