

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE SIDE

CRIMINAL APPLICANT NO.370 OF 2015

The Faiz Arban Co-op. Credit
Society Ltd. ... **Applicant**
V/s.
Shaikh Muktar Husein & Anr. ... **Respondents**
.....
Mr.P. D. Patil, Advocate for the Applicant.
None for the Respondent No.1.
Mr.A.R.Kapadnis, APP for the Respondent/State.
....

CORAM : A. M. BADAR J.

DATED : 17th JANUARY 2017.

P.C . :

1 The learned counsel appears for the applicant and learned Additional Public Prosecutor appears for respondent No.2 State. None for the non-applicant No.1/original accused.

2 This is an application for condonation of delay of 37 days for filing an appeal challenging acquittal of the non-applicant No.1 in an offence punishable under Section 138 of the Negotiable Instruments Act, 1881 recorded by the learned Judicial Magistrate First Class, 3rd Court, Nashik.

3 The application is on affidavit. The application is explaining the delay of 37 days in lodging the appeal. Averments in the application are not controverted. In this view of the matter, the following order :

- i) The application is allowed.
- ii) Delay in lodging the appeal is condoned.

(A. M. BADAR J.)