

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 718 OF 2015

Revansiddha Gurusidhappa Loni	Applicant
Versus	
M/s. Brmhatra Armary & Ors.	Respondents

Mr. Prasad B. Kulkarni for the applicant.
Mr. Yuvraj Gharat i/b. Vijay Killedar for resp. nos.1 to 4.
Mr. P.H. Gaikwad, APP for respondent no.5/State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATE : 13th OCTOBER, 2017

P.C. :

1. By this application, the applicant has sought condonation of delay of 03 years and 24 days in filing the application for leave to appeal challenging the judgment of acquittal under Section 138 of Negotiable Instruments Act.
2. Heard Mr. Prasad Kulkarni, learned Counsel for the applicant, Mr. Yuvraj Gharat, learned Counsel for respondent nos.1 to 4 and Mr. P.H. Gaikwad, APP for respondent no.5-State.
3. It is seen that subsequent to filing of the complaint under Section 138 of Negotiable Instruments Act, the applicant was arrested in Sessions Triable Case for offence under Section 302 of Indian Penal Code. He was in jail and has been acquitted in the month of July, 2015. The present application is filed after his release from the jail.

4. It is thus evident that the applicant was unable to challenge the order and judgment of acquittal dated 26th July, 2012 in view of his incarceration in jail. The reasons stated in the application constitute sufficient ground. Hence, delay in challenging the order and judgment of acquittal is condoned. Criminal Application No. 718 of 2015 is allowed. Application for leave to appeal be registered.

(SMT. ANUJA PRABHUDESSAI, J.)