

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

**CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.759 OF 2015**

Smt. Shobha H. Sherkhane)...Applicant

V/s.
Shital Satish Tilak & Anr.)...Respondents

Mr. A.D.Joshi, Advocate for the Applicant.

Mr. Rajdeep Gude i/by Khandeparkar & Associates, Advocate for R.No.1.

Mr. A.R.Kapadnis, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 24th FEBRUARY 2017.

P.C. :

This is an application for condonation of delay of about 22 days in filing application for leave to appeal challenging acquittal of Respondent No.1 of the offence punishable under Section 138 of the Negotiable Instruments Act, 1881.

2 Heard both sides.

3 Application is opposed by the learned Advocate for Respondent No.1 by contending that no documents to show that the Applicant was suffering from cold and fever are placed on

record and, therefore, the Applicant was not prevented by 'Sufficient Cause' in not filing appeal within limitation.

4 I have carefully considered the rival submissions.

5 Application for condonation of delay is on affidavit. Averments made therein are not controverted by filing counter affidavit. Hence, for the stated reason, Application is allowed. Delay in filing an application for leave to appeal is condoned.

(A. M. BADAR, J.)