

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 781 OF 2015

Shri.Nishikant Jairam Suryavanshi	...	Applicant
V/s.		
Shri.Dhananjay Hemant Amrutkar & Anr...		Respondents

None for the Applicant.
Mr.S.V.Gavand, APP for the Respondent/State.

CORAM : A.M.BADAR J.

DATED : 20th MARCH 2017.

P.C. :

1 None for the applicant. None for respondent
No.1/original accused though served. The learned Additional
Public Prosecutor appears for respondent No.2.

2 This is an application for condonation of delay of 153
days in filing an application for leave to appeal challenging
acquittal of respondent No.1 of the offence punishable under
Section 138 of the Negotiable Instruments Act, 1881 recorded by
the learned Judicial Magistrate First Class, Nashik.

3 Perused the application which is on affidavit.
According to the applicant, after dismissal of the complaint and

acquittal of respondent No.2, he has instructed his lawyer at Nashik to challenge the acquittal, but subsequently, it has revealed to him that application for leave to appeal lies before this Court. Therefore, the staff was assigned with the task of approaching the Advocate at Mumbai for doing the needful. In the meanwhile papers were misplaced due to the negligence of the staff members, who has left the job and it is in these circumstances, delay in lodging an application for leave to appeal is caused.

4 The averments made on the affidavit. Those are not countered. Hence, for the stated reasons, the application is allowed. Delay in filing an application for leave to appeal is condoned.

5 The application is accordingly disposed of.

(A.M.BADAR J.)