

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (APL) NO. 684 OF 2016

(Ramesh Kumar .vs..M/s Gupta Goal India Pvt.Limited)

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

Court's or Judge's orders.

Shri S.Zia Qazi, Advocate for applicant.

Shri Maheshwari, Advocate for non-applicant.

CORAM : V.M. DESHPANDE, J.

DATED : JULY 17 , 2017

Heard learned counsel for applicant and non-applicant.

By present proceeding the applicant is challenging the order passed by learned Additional Sessions Judge, Nagpur in Misc.Criminal Application No.1009/2016 on 29/8/2016 by which the learned Court below has rejected the application for condonation of delay of 582 days and refused to register the revision.

The revision was filed challenging the order of learned Judicial Magistrate First Class, Nagpur by which the said Court issued process against the present applicant in Criminal Case No.6413/14 for the offence punishable under Section 138 of the Negotiable Instruments Act. Since the revision was barred by limitation the application for condonation of delay was moved.

The learned revisional Court noticed that on 29/11/2014 the present applicant had given instructions to his counsel, however it is surprising to note that applicant

claims there was no communication between him and his counsel in respect of the filing of the revision challenging the order of issuance of process. The learned Court below in para no.10 of the impugned order has rightly considered the issue and has rejected the said application. There is no error committed by the learned Court below warranting any interference at this stage. Hence, the application is rejected.

The learned Court below has observed in the order that the present applicant is handicapped to the extent of 90%. Looking to the said aspect, I am of the considered view that if the application is moved for permanent exemption before the learned Court below it is expected from the learned Court below to consider the same favourably of course, keeping in mind the the principle for deciding the application for personal exemption. However, it will be obligatory on the part of the present applicant to remain present before the Court at the time of the particulars.

With this the application is disposed of.

JUDGE