

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 461 of 2015

Mukul Deshpande S/o Late Shri L.R. Deshpande Aged About
37 Years R/o Qtr No. 8-A,g Pocket Maroda Sector, Bhilai, Tehsil
& Dist- Durg Chhattisgarh. **--- Petitioner**

Versus

Smt. R. M. Lopez W/o Wd/o Late Anthony Lopez Aged About
38 Years Bsp Employees, Ispat Bhavan, Third Floor, Stores
Department, Cmm, Bhilai Steel Plant, Bhilai, R/o Qtr. No. 16,b,
Raod No. 22, Sector 2, Bhilai, Tehsil & District- Durg
Chhattisgarh Present Address I-64, 6th Floor, Surya Apartment
Model Town, Nehru Nagar, Bhilai, Civil & Revenue District
Durg, Chhattisgarh **--- Respondent**

For the Petitioner	:	Mr. Samir Singh, Advocate
For the respondent	:	Mr. V. G. Tamaskar, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

24-04-2018

1. Heard on application (I.A. No.1/2015) for condonation of delay. This petition has been filed with the delay of 957 days.
2. Learned counsel for the petitioner submits that the delay so occurred is bonafide as initially after dismissal of the complaint case by order dated 30.06.2012 passed by the JMFC, Durg, appeal was filed before the ASJ, Durg which was dismissed on 23.03.2015 and after dismissal of the appeal, the present petition seeking leave to appeal has been filed along-with application for condonation of delay of 957 days.
3. A perusal of the record would show that a complaint u/s 138-A of the Negotiable Instrument Act was dismissed by the Court

of JMFC,Durg on 30.06.2012 with a finding that the complainant/petitioner has failed to prove the fact that a cheque of Rs.40,000/- was given as loan for financial support and accordingly it was held that the complainant has not proved the fact that he has advanced the loan by way of cheque to meet the financial requirement of the respondent. The complaint having been dismissed, an appeal was preferred u/s 372 of Cr.P.C., read with section 378 of Cr.P.C., on 29.08.2012. Thereafter, the orders of the appellate Court would show that as many as 36 dates were passed in between 2012 and 2015 and when the case was eventually dismissed on 23.3.2015 by the appellate Court, the present petition has been filed with an application for condonation of delay.

4. After perusal of the entire order sheet, it does not show that any whisper was made by the petitioner about the maintainability of the petition. It is only after dismissal of the appeal in the year 2015, such plea has been taken thereby this application is barred by 957 days. The records of the court below show that after dismissal of the application by the trial Court on 30.06.2012, the appeal was preferred which was dismissed on 23.3.2015 and thereafter, this petition has been filed wherein leave is sought along-with application for condonation of delay of 957 days.
5. A perusal of the application for condonation of delay shows that it do not inspire such confidence that any bonafide mistake could have been committed by the petitioner. Therefore, looking to the facts of the case, I am not inclined

to impress upon the reasons stated in the application to condone the delay.

6. In the result, the application to condone the delay of 957 days having not properly shown the reasons, the same is dismissed. Consequently the leave to appeal also stands dismissed.

Sd/-

**(Goutam Bhaduri)
Judge**