

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.19 OF 2017

Aananda Dhondiram Salunkhe ... **Applicant**

V/s.

Vilas Mahadev Salunkhe and anr. ... **Respondents**

Mr.Umesh Hanmantrao Pawar for the applicant.

Mr.Sandeep S. Pingale for respondent no.1.

Mr.S.V. Gavand, APP for the respondent/State.

CORAM : A.M.BADAR J.

DATED : 30th JULY 2018.

P.C. :

1. This is an application for condonation of delay in filing an application for leave to appeal challenging the acquittal of the respondents.

2. Heard the learned Advocate appearing for the applicant as well as the learned Advocate appearing for respondent no.1 and the learned Additional Public Prosecutor for the State.

3. The learned Advocate appearing for the respondent / original

complainant opposed the application by contending that calculation of number of days delay is wrong and reasons for seeking condonation of delay are false.

4. Perusal of the averments made in the duly sworn application for condonation of delay makes out sufficient cause for condoning delay. When sufficient case is made out, quantum becomes irrelevant.

5. Leave is sought for challenging the acquittal in respect of offence under Section 138 of Negotiable Instruments Act. Hence, this liberal approach for condonation of delay is to be taken. Hence the order;

:: ORDER ::

1. Delay in filing an application for leave to appeal is condoned.
2. The application is disposed of accordingly.

(A.M.BADAR J.)