

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO.76 OF 2015

Joindre Capital Services Ltd.

... Applicant

V/s.

The State of Maharashtra & Anr.

... Respondents

Mr. Ashish Sawant for the Applicant.

Ms. R.G. Gadhvi, APP for the Respondent State.

Mr. Mithun Mahajan for Respondent No.2

CORAM : A.S.GADKARI, J.

DATE : 19th MARCH, 2018

P.C.:

1. This is an application for condonation of delay of 222 days in preferring the application for leave to file appeal against the Order dated 09.04.2014 passed by the learned Metropolitan Magistrate, 33rd Court, Ballard Pier, Mumbai in C.C.No.865/SS/2013.

2. Heard the learned counsel for the applicant and the learned counsel for Respondent No.2.

3. The learned counsel for Respondent no.2 vehemently opposed the application and submitted that, no sufficient ground for condonation of delay is made out by the applicant. He submitted that, even the complaint

of the complainant was dismissed for non-prosecution as the applicant did not remain present before the Trial Court on various occasions. He further submitted that, even after dismissal of the complaint on 09.04.2014 for a period of about 200 days, the applicant did not take any serious steps in preferring the present application and therefore, the delay caused in preferring the present application may be condoned and the application be dismissed in limine.

4. However, for the reasons stated in the application, I am inclined to condone the said delay subject to condition that, the applicant shall pay cost of Rs.20,000/- to the High Court Legal Services Committee within a period of two weeks from today. The payment of cost is the condition precedent for condonation of delay.

5. In view of the above, the application is allowed in terms of prayer clause (a) subject to payment of cost as aforesaid.

6. Application is allowed in the aforesaid terms.

7. All the concerned to act on an authenticated copy of this Order.

(A.S.GADKARI, J.)