

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.154 OF 2018

Vijaya Kamlakar Salvi ... **Applicant**

V/s.

Rajashri Jagannath Vadaje & anr. ... **Respondents**

Mr.Harshad M. Inamdar for the applicant.

Mr.Ankit Chaturvedi i/b. Mr.Rameshwar Navanath Gite for
respondent no.1.

Mr.A.D. Kamkhedkar, APP for the respondent/State.

CORAM : A.M.BADAR J.

DATED : 1st OCTOBER 2018.

P.C. :

1. This is an application for condonation of delay of 239 days in filing an appeal challenging acquittal of the respondent of the offence punishable under Section 138 of the Negotiable Instruments Act.

2. Heard the learned Counsel appearing for the applicant as well as the learned Counsel appearing for respondent no.1.

3. The learned Counsel appearing for respondent no.1 argued that no sufficient cause is demonstrated to condone inordinate delay of 239 days. The reasons stated in the application does not even remotely suggest sufficient cause in not approaching the Court within limitation.

4. I have considered the submissions so advanced. Primary function of the Court is to adjudicate the dispute on its own merits rather adhering to the technicalities of the law. The matter pertains to offence punishable under Section 138 of the Negotiable Instruments Act. As such interest of respondent no.1 can be taken care of by imposing some costs on the applicant for condoning the delay. Therefore the order;

:: ORDER ::

- (i) The application for condonation of delay is allowed subject to payment of costs quantified at Rs.2000/- by the applicant to respondent no.1 within a period of 30 days from today.
- (ii) If the costs so paid then the receipt thereof be produced before the Registry.

(iii) The application is accordingly disposed of.

Vina
Arvind
Khadpe

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(A.M.BADAR J.)