

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

CRIMINAL APPLICATION NO.364 OF 2017

Bombay Merchant Corporation Bank Ltd.	... Applicant
V/s.	
The State of Maharashtra & Anr.	... Respondents

Mr. Manohar Ramsinghani i/by Puja Acharekar for the Applicant.
Mr. A.R. Kapadnis APP for the Respondent State.
Mr. Sunil K. for Respondent Nos.2 and 5.

CORAM : A.S.GADKARI, J.

DATE : 22nd MARCH 2018

P.C.:

1. This is an application for condonation of delay of 403 days in preferring the application for leave to file appeal.
2. Heard the learned counsel for the Applicant and the learned counsel appearing for Respondent Nos.2 and 5. Perused the record.
3. The learned counsel for the applicant submitted that, as a matter of fact, after the order of dismissal of complaint for want of prosecution was passed by the Trial Court on 18.03.2016, the applicant had preferred a Revision Application before the Sessions Court, which came

to be dismissed on 20.04.2017. He submitted that, the applicant has spent about 280 days in prosecuting the said Revision before a wrong forum and therefore, benefit under Section 14 of the Limitation Act needs to be given to the applicant.

4. After giving the said benefit of 280 days and the period consumed in obtaining certified copy of the impugned order, the delay in filing the present application comes to 102 days only.

In view thereof, the delay in preferring the application for leave to file appeal is condoned.

5. The application is allowed in terms of prayer clause (a).

(A.S.GADKARI, J.)