

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

CRIMINAL APPLICATION NO.427 OF 2016

Shankar Chandra Gorulu

...Applicant

Versus

Khan Nisar Ahmed S/o

Ilakedar Khan & Anr.

...Respondents

Mr.Amar Ashok Gharte for the Applicant.

Mrs.P.P. Shinde, APP for the Respondent-State.

CORAM : SMT.BHARATI H. DANGRE, J.

DATE : 03rd SEPTEMBER 2018

P.C.

1. The present application seeks condonation of delay of 9 days in filing an Appeal against the judgment passed by the Metropolitan Magistrate on 18.04.2016 in Criminal Case No.2149/SS/2014.

2. The judgment is delivered in a complaint filed under the Negotiable Instruments Act, 1881 and the accused have been acquitted for the offence punishable under Section 138. By the present application delay of 9 days is sought to be condoned. The reasons requesting condonation of delay find place in paragraph

No.3 of the application.

3. This Court was pleased to issue notice for the application of condonation of delay of 03.04.2018. The applicant has also filed an affidavit of service of notice on 07.06.2018 and he had categorically made a statement that the notice was sent through Speed Post to respondent No.1 on 22.05.2018 and it was duly served on 23.05.2018. He has also placed on record the acknowledgement of the said service. The respondent is thus served. When the matter is called out the neither the respondent is present nor he is represented by any counsel.

In the interest of justice and after taking into consideration the reasons cited in the application which warrant indulgence, the delay is condoned, Criminal Application is allowed.

4. Let the appeal be listed for Hearing on 17.09.2018.

(SMT.BHARATI H. DANGRE, J.)

Nilam
Santosh
Kamble

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