

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.391 OF 2017

Mahesh Kant Srivastava ... **Applicant**

V/s.

Prakash V. Mehta and anr. ... **Respondents**

Mr.Sarwadnya S. Kadtane i/b. Mr.Kuldeep U. Nikam for the applicant.

Mr.Bharat V. Bhatia 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.
2. Heard both sides.
3. The learned Advocate appearing for respondent no.1 opposed the application by submitting that substantial amount has already been paid and allowing application would result in multiplicity of litigation.

4. I am of the opinion that sufficient cause of condonation of delay of 180 days is made out. The applicant is more than 80 years of age. The same transaction has resulted in registering the offence and the accused moved an application for anticipatory bail. The reasons stated is to the effect that the applicant got legal advice to the effect that because of registration of crime, proceedings of the trial of the offence punishable under Section 138 have been stayed.

5. Primary function of the Court is to adjudicate the dispute on its own merits. The reasons stated in the application constituted sufficient cause for condonation of delay. Hence the order;

:: ORDER ::

- (i) Delay in filing an application for leave to appeal is condoned.
- (ii) The application is accordingly disposed of.

Vina
Arvind
Khadpe

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(A.M.BADAR J.)