

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

**CRIMINAL APPLICATION NO.431 OF 2017
WITH
CRIMINAL APPLICATION NO.432 OF 2017**

M/s. Comnet Solutions Pvt.Ltd. **...Applicant**
V/s.
The State of Maharashtra & Ors. **...Respondents**

.....
Mr. Ramashankar Singh, Advocate for the Applicant.

Mr. S.V. Gavand, APP for the Respondent/State.

....
CORAM : A.M.BADAR, J.

DATED : 12th OCTOBER 2018.

P.C. :

1. These are applications for condonation of delay in preferring an application for leave to appeal.
2. Parties in both these applications are same. Acquittal of the respondents/accused of the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 is sought to be questioned by filing the applications for leave to appeal.
3. Report of the Registry shows that respondent Nos.2 to 4 in both these applications are served. None appeared for them when

the applications are called out for hearing.

4. Heard the learned counsel appearing for the applicant. He argued that representative of the applicant/original complainant had gone to attend the office work at Bangalore and Pune at the relevant time and that is how the applications could not be preferred within limitation. The complaints were dismissed for want of prosecution for a single default. The learned counsel further argued that sufficient grounds are there for condoning the delay.

5. The learned APP appears for respondent No.1/State.

6. I have considered the submissions so advanced. Averments made in the applications are on affidavit. They constitute sufficient cause. Hence, the order.

- : ORDER : -

- (i) Both these applications are allowed.
- (ii) The delay in filing the application for leave to appeal is condoned.
- (iii) Both these applications are accordingly disposed off.

(A.M.BADAR J.)