

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO.458 OF 2017**

**SAN PRINTS PVT. LTD., THROUGH ITS )  
DIRECTOR SACHIN BHANDARKAR )...APPLICANT**

**V/s.**

**TAPAS KUMAR MUKHERJEE )  
PROPRIETOR OF ALPHA CREATION & ANR.)...RESPONDENTS**

Ms.Usha Jaiswar I/b. Mr.K.N.Bhatia, Advocate for the Applicant.

Mr.P.U.Sutar, Advocate for Respondent No.1.

Mrs.M.R.Tidke, APP for the Respondent – State.

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

**DATE : 1<sup>st</sup> NOVEMBER 2018**

**P.C. :**

1 This is an application for condonation of delay of 2 months and 6 days in preferring an application for leave to appeal for challenging acquittal of respondent no.1 of the offence punishable under Section 138 of the Negotiable Instruments Act.

2            Heard the learned counsel appearing for the applicant/original complainant. She pointed out paragraph 6 of the application to demonstrate sufficient cause. The learned counsel for respondent no.1 vehemently opposed the application by contending that there are two Directors of the applicant/ Company and necessary data regarding their availability is not pleaded, and therefore, the application deserves to be rejected.

3            I have considered the submissions so advanced. The application is on affidavit. Duly sworn testimony of the applicant/original complainant shows that there was delay because of non-availability of Directors for passing the Resolution, so also there was no contact with the advocate. These averments on affirmation are not countered. Sufficient cause is made out from the pleadings in the application. Therefore the order :

**ORDER**

- i)    The delay in filing the application for leave to appeal is condoned.
- ii)   The application is accordingly disposed off.

**(A. M. BADAR, J.)**