

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.526 OF 2014
WITH
CRIMINAL APPLICATION NO.155 OF 2014
WITH
CRIMINAL APPLICATION NO.520 OF 2014
WITH
CRIMINAL APPLICATION NO.521 OF 2014
WITH
CRIMINAL APPLICATION NO.522 OF 2014
WITH
CRIMINAL APPLICATION NO.523 OF 2014
WITH
CRIMINAL APPLICATION NO.524 OF 2014
WITH
CRIMINAL APPLICATION NO.525 OF 2014
WITH
CRIMINAL APPLICATION NO.527 OF 2014

Wadala Commodities Limited
versus

Applicant

Julon Foods Private Limited and others

Respondents

Mr.Niranjan Mundargi i/by Omkar Mulekar for applicants.
Mr.M.G.Patil, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 12th February 2018

PC :

1. These are the applications seeking condonation of delay in filing application seeking leave to file an appeal against the judgment and order of acquittal. The parties in all these applications are common. In Criminal Application No.155 of 2014 the delay of 452 days is sought to be condoned, and as far as other applications are concerned, the delay is about 620 days and prayer is made to condone the same.

2. Notice was issued to the respondents. Since the notice could not be served by regular mode, the applicant was permitted to serve notice by way of publication. The applicant thereafter issued notice by way of publication in the English news paper, Free Press Journal and also in a local language news paper Daily Navshakti. The applicant has also tendered affidavit of service.

3. The applicant has given explanation for the delay in filing the appeal. Additional explanation is also tendered by way of amendment. It is contended that the applicant company learnt that their ex-employee Mr.Reis has not taken appropriate steps to challenge the impugned judgment and order of acquittal and therefore another person was directed to look into the position. The said person was in contact with their advocate for taking steps to challenge the judgment and order of acquittal. The applicant was under bona fide belief that steps were taken to obtain certified copy of the impugned judgment and order to file appropriate appeals against the said judgment. Reliance is placed on correspondence made with the advocate. The advocate is original complainant in the complaint filed under Section 138 of Negotiable Instruments Act, which had resulted in acquittal.

4. For the reasons stated in the applications and the submissions advanced by the advocate for applicant, the delay in filing these applications seeking leave to file appeal, is required to be condoned. Accordingly all these criminal applications are allowed in terms of prayer clause (a) respectively. The delay is condoned. All applications are disposed off.

(PRAKASH D. NAIK, J.)