

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

CRIMINAL WRIT PETITION NO.3876 OF 2017

Mahadeo Dattatraya Matala ... Petitioner

Vs.

Santosh Namdeo Aher & anr. ... Respondents

**With
CRIMINAL WRIT PETITION NO.3878 OF 2017**

Mahadeo Dattatraya Matala ... Petitioner

Vs.

Santosh Namdeo Aher & anr. ... Respondents

**With
CRIMINAL WRIT PETITION NO.3879 OF 2017**

Mahadeo Dattatraya Matala ... Petitioner

Vs.

Savita Prakash Shewale & anr. ... Respondents

**With
CRIMINAL WRIT PETITION NO.3880 OF 2017**

Mahadeo Dattatraya Matala ... Petitioner

Vs.

Santosh Namdeo Aher & anr. ... Respondents

Mr.L.R. Odhekar with Janaki Bhide for the Petitioner
Mr.S.P. Dighe for Resp. No.1
Ms.Veera Shinde, APP, for the Respondent – State

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: OCTOBER 25, 2018

P.C.:

1. By Writ Petition No.3880 of 2017, the petitioner challenges the order of issuance of process passed by the learned Magistrate under section 138 of the Negotiable Instruments Act. By the other three Writ Petitions i.e., Writ Petition Nos.3876/2017, 3878/2018 and 3879/2018, the petitioner challenges the order dated 10.3.2012 passed by the learned Magistrate allowing the application for condonation of delay of 2 days, subject to cost of Rs.1,000/-. In all these 3 petitions, after filing of the complaint and issuance of process, it was found that there is a delay of 1 day and hence, the applications were filed by the original complainant, who is the respondent in the original complaint. The applications were allowed with cost and the said order was challenged by the present petitioner by filing separate Criminal Revision Applications i.e., Revision Application Nos.131 of 2016, 145 of 2016 and 148 of 2016. All these revision applications were dismissed by order

dated 18.3.2017 and orders of the condonation of delay of 1 or 2 days with costs was passed by the learned JMFC, Nasik, were confirmed.

2. After going through the orders passed by the learned Magistrate and the learned Sessions Judge and considering the submissions made by the learned Counsel, I am of the view that the orders passed by the learned Magistrate and the Sessions Judge are well reasoned and no interference is required in the concurrent finding. Hence, the three petitions i.e., Writ Petition Nos.3876/2017, 3878/2018 and 3879/2018, are dismissed.

3. In Writ Petition No.3880 of 2017, the order dated 4.4.2016 passed by the learned JMFC, Nasik of issuing process under section 138 of Negotiable Instruments Act below exhibit 1 in SCC No.2709/2015, is challenged. Criminal Revision Application No.240 of 2016 was filed against the said order by the petitioner and vide judgment and order dated 18.3.2017, the Revision was dismissed by the learned Sessions Judge. The learned Sessions Judge has also considered the point of condonation of delay of 1 day and has also considered that cheque issued by the petitioner of Rs.5,60,000/- dated 16.2.2015 was presented on 18.4.2015 and

was dishonoured and returned on 20.4.2015. Thus, it appears that the learned JMFC, Nashik, has rightly issued the process and hence, no interference is required. Accordingly, Writ Petition No.3880 of 2017 is also dismissed.

4. The trial is expedited and the same be concluded within six months from today.

(MRIDULA BHATKAR, J.)