

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 93 OF 2017

M/s. Mahendra Rosin And
Turpentine Pvt. Ltd.

.. Applicant

Versus

M/s. Terpene Allied and Ors.

.. Respondents

...

Mr. Harshad Inamdar alongwith Mr. Yogesh B. Dandekar for the
Applicant.

Mr. V.V.Gangurde, APP for Respondent No.5/State.

CORAM: P. N. DESHMUKH, J.

DATED : 7th NOVEMBER, 2019.

P.C:-

Learned Counsel for applicant orally seeks leave to
delete respondent No.2, since dead. Leave as prayed, is allowed.
Name of respondent No.2 be deleted forthwith.

2. None for respondent Nos.1,3 and 4, though served.
3. Heard Learned Counsel for applicant and Learned APP
4. This application is for condonation of 28 days delay

caused in preferring appeal against the Judgment dated 15th October, 2016 by the Learned Trial Court, by which, respondents came to be acquitted of the offence under Section 138 of Negotiable Instruments Act.

5. For the grounds mentioned in para 2 of the application, delay is found satisfactorily condoned.

6. In that view of the matter and even otherwise, instead of dismissing the proceedings on technicality, having considering the subject matter of the application, same is liable to be allowed as per the order below :

ORDER

- (a) Delay is condoned.
- (b) Application is disposed of accordingly.
- (c) Office to register appeal, as prayed in prayer clause (a) of the memo of appeal.
- (d) Issue notice to respondent Nos.1,3 and 4 returnable on 19th December, 2019. Learned APP waives service for respondent No.5/ State.

(P. N. DESHMUKH, J.)