

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

CRIMINAL APPLICATION NO.315 OF 2017

Prashant Pawar Applicant

Vs.

M/s Deva Enterprises & Ors. Respondents

Ms. Siddhi S. Bhosale I/by Mr. Chaitanya Pendse for the Applicant.
Mr. Rajesh S. Singh for Respondent nos. 1 to 3.
Mr. Y.M. Nakhwa APP for the State.

***Coram : Smt. Sadhana S. Jadhav, J.
Date : 28th February 2019***

P.C.:

1 Heard.

2 This is an application seeking condonation of delay in filing the application seeking leave to appeal challenging the acquittal of respondent nos. 1 to 3 under Section 138 of Negotiable Instruments Act in C.C. No.525/SS of 2015 by the Metropolitan Magistrate, 58th Court, Bandra, Mumbai. The delay is of 40 days.

3 Learned counsel for respondent nos. 1 to 3 vehemently opposes the grant of application on the ground that the reasons assigned do not constitute a plausible explanation for the delay. Learned counsel submits that the learned Magistrate has not appreciated the evidence on record. In view of the contentions raised in paragraphs 2.6 and 2.7 of the application, the application deserves to be allowed in terms of prayer clause (a) in the interest of justice.

4 The Application is allowed and stands disposed of.

(Smt. Sadhana S. Jadhav, J)