

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

CRIMINAL APPLICATION NO. 1414 OF 2018

IN

CRIMINAL APPLICATION NO. 480 OF 2013

Mohammad Gulzar Khan.

..Applicant.

v/s

Lennish Nanji Chheda & Anr.

..Respondents.

Mr. Ram Mani Upadhyay, advocate for applicant.

Mr. Jayendra D. Khairnar, advocate for respondent No.1.

Mr. S.R. Agarkar, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J.

DATE : SEPTEMBER 18, 2019.

P. C. :

1 This is an application seeking condonation of delay in filing restoration application and restoration of the matter to its original status. The matter was dismissed for want of prosecution on 22/1/2018. The application seeking restoration and condonation of delay is filed on 2nd November, 2018. Hence, there is delay of 254 days in filing the restoration application.

2 The learned Counsel for the respondent No. 1 has filed affidavit and opposed the grant of relief on the ground that since the respondent stands acquitted of all the charges, it would be unfair to restore the case to its original status. It is also argued at the appellate stage that statutory notice issued under section 138 of the Negotiable Instruments Act was not served on the respondent.

3 For the reasons assigned in paragraphs-10 to 15, the delay of 254 is condoned in the interest of justice. The application is restored to its original status. The application is allowed in the above terms and stands disposed of accordingly.

[SMT. SADHANA S. JADHAV, J.]