

BDP-SPS

Bharat
D. Pandit
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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 660 OF 2018
(For condonation of delay)**

Mr. Kadir Kadar Memon

..... Applicant.

V/s

Mr. Nuruddin T. Hussain Nagarwala
and Ors.

..... Respondents.

Mr. Adwait Bonde for the Applicant.

Mr. Y.G. Thorat a/w Mr. Ashok Tajane for Respondent Nos. 1 and 2.

Mr. S. V. Gavand, APP for the State.

CORAM: NITIN W. SAMBRE, J.

DATE: NOVEMBER 19, 2019

P.C.:-

1] The complaint preferred under Section 138 of the Negotiable Instruments Act, came to be dismissed by the learned Magistrate on 27/02/2015. The application for restoration of complaint was filed immediately thereafter on 01/04/2015, which came to be rejected on 01/09/2018.

2] Since complainant was pursuing remedy, may be before wrong

forum, case for consideration of sufficient cause is made out. As such, delay stands condoned, subject to payment of costs of Rs 5,000/- to be payable to non-applicant in the present proceedings within a period of two weeks from today, which the non-applicant is entitled to withdraw.

3] Application is disposed of in the aforesaid terms.

(NITIN W. SAMBRE, J.)