

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (APPA) 481 OF 2019

(Keshao Nagri Cooperative Society Ltd..vs.. Mohan Ganpat Vyapari)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Shri G.C. Khond, counsel for the applicant.

CORAM: ROHIT B. DEO, J.

DATE: 15th JULY, 2019.

This application is taken out for condonation of delay of 244 days in filing appeal against acquittal for offence punishable under section 138 of the Negotiable Instruments Act, 1881.

2 The statement made in paragraph 2 is that the applicant – original complainant came to know that the complaint is dismissed on 29.8.2018, only in the month of November 2018. The counsel is blamed for not informing the applicant earlier.

3 The next statement is that the complainant received the certified copy on 15.2.2019. The period from 16.2.2019 till 3.5.2019 is sought to be explained by citing administrative exigencies. A statement is made that the judgment was placed before the governing body of the society and it was resolved in March 2019 that an appeal be preferred. No attempt is made to explain the delay from March 2019 onwards.

4 The application is bereft of necessary particulars. The name of the counsel is not disclosed. It is fairly stated in response to this Court's query that no action is initiated against the counsel who allegedly kept the applicant – complainant in dark. The date of the resolution is not specifically pleaded. As

noted supra, there is no explanation for the delay which occurred even after the complainant society resolved to approach this Court.

5 The application is without substance and is rejected.

JUDGE

rsb