

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

Criminal Application [APPA] No.705 of 2019

Yes Bank Limited
 vs.
 Asmita Freight Forwarders

 Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.

Court's or Judge's Orders

Shri Zoher Shakir, Advocate h/f Shri R.S. Suryawanshi,
 Advocate for the Applicant.
 Shri R.N. Borwarnkar, Advocate for the Respondent.

CORAM : S.M. MODAK, J.
DATE : 12th MARCH, 2020.

The complaint was dismissed by the learned Magistrate by invoking the powers under Section 256 of the Code of Criminal Procedure. It was for want of evidence being given by the complainant. Certified copy of this order was applied on 16/03/2019 and delivered on 30/04/2019. As per the office procedure, the complainant-bank has to obtain the opinion of the legal department and took time for obtaining that opinion and that is why, there is a delay of 64 days.

02] It is opposed by the respondent-accused and the appellant-bank is being blamed for its negligence.

03] I have heard both the learned Advocates for the parties.

04] The complainant is not an individual person, but an artificial entity. It has to function through the

natural person and office procedural needs to be complied with. There is a good ground for condonation of delay. Hence, the order.

ORDER

- i. The application is allowed.
- ii. Delay of 64 days occurred in filing the appeal is condoned subject to payment of costs of Rs.500/- (Rupees Five Hundred Only) to be paid to the respondent.
- iii. The appeal be registered.

Criminal Appeal No. _____/2020 :

Heard.

02] Issue notice to the respondent of final hearing on the point of grant of leave, returnable on 26th March, 2020.

03] Shri R.N. Borwankar, learned Advocate waives notice on behalf of the respondent.

04] In the meantime, the parties may continue with the talks of settlement.

JUDGE