

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

CRIMINAL APPLICATION [APPA] NO. 864/2019
IN CRIMINAL APPEAL

The Mahila Urban Cooperative Bank Ltd.

-VERSUS-

State of Maharashtra and another.

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

Court's or Judge's Orders

Shri B.M. Kharkate, Advocate for the Appellant.

CORAM : VINAY JOSHI, J.

DATE : JANUARY 06, 2020.

Heard.

2. The appellant/original complainant is seeking condonation of delay of 3 days in filing present appeal challenging the judgment and order of acquittal passed in Criminal Appeal No.23/2017. The appellant/complainant is a Cooperative Bank. Reason canvassed for delay is of administrative difficulties and getting approval

2

to the challenge the order.

3. Considering the marginal delay of three days, it is appropriate to condone the same by adopting a liberal approach. Hence, the present application is allowed and disposed of. Delay is condoned. No costs.

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Criminal Application/Appeal No. _____/2020.

Heard.

2. The appellant/complainant has initially filed a Summary Criminal Case No.330/2013, for commission of offence punishable under Section 138 of the Negotiable Instruments Act. The learned Magistrate, after appreciating the evidence held that the appellant/complainant has proved the essential ingredients to constitute an offence under Section 138 of the Act, and accordingly convicted the respondent /accused by passing sentence. The said order was challenged by respondent in Criminal Appeal No. 23/2017 in

3

which the order of Trial Court was reversed resulting into acquittal of respondent.

3. Appellant is seeking leave to file appeal. Issue notice to respondent, returnable on 03.02.2020.

JUDGE

Rgd.