

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

CRIMINAL APPLICATION (APPA) NO. 911/2019
IN
CRIMINAL APPEAL NO. _____/2019

Ishwar Krushnaji Ragit

-VERSUS-

Vikram Linga Durge

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

Court's or Judge's Orders

Shri A. I. Ragit, Advocate for appellant/applicant.
Ms. S. Dhote, Advocate for respondent.

CORAM : VINAY JOSHI, J.

DATE : JANUARY 07, 2020.

Heard.

2. The applicant (original complainant) is seeking condonation of delay of 240 days caused in filing criminal appeal challenging the judgment and order dated 18.12.2018 passed in Criminal Appeal No. 112/2012. Initially, private complaint for commission of offence under Section 138 of the Negotiable Instruments Act was filed in which respondent/accused was convicted. The said order was challenged by the accused in Criminal

2

Appeal No. 112/2012 wherein the judgment of Trial Court was reversed resulting into acquittal of respondent/accused.

3. The appellant was desiring to challenge the order of acquittal, however, by misconception, he has filed revision petition bearing Criminal Revision No. 63/2019 before this Court on 14.03.2019. Then after realizing position, he at his own, has withdrawn the criminal revision on 23.07.2019. The order of this Court permitting the withdrawal indicates that liberty was granted to institute appropriate proceedings before this Court. Thus, the reasons canvassed is about approaching long procedure for challenging the impugned order.

4. With the assistance of learned counsel, I have gone through the dates of the proceedings, filing of criminal revision, its withdrawal, period spent for obtaining certified copies and presentation of this appeal. Though there are some intervals, however, he was pursuing his remedy to challenge the impugned order. The reasons canvassed is sufficient but as there is some latches, the other side can be compensated while condoning delay. Time and again, it is ruled by the Hon'ble Supreme Court to adopt liberal approach while considering the delay condonation

3

application.

5. In view of above, the following order:-

(i) Application stands allowed subject to cost of Rs. 5,000/- to be paid to respondent within period of 2 weeks from today.

(ii) On payment of cost amount, the delay stands condoned and appeal be registered.

(iii) Depositing of cost amount in this Court would be construed as sufficient compliance of this order.

JUDGE

Gohane.