

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

CRIMINAL WRIT PETITION NO.335 OF 2020

(Hiranand s/o Detaram Motwani Vs. Dharamvir s/o Tolsingh Songhare)

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

Court's or Judge's orders.

Mr. A.H. Joshi, Advocate for Petitioner.

CORAM: ROHIT B. DEO, J.

DATE: 18th JUNE, 2021.

Hearing was conducted through video conferencing and the learned counsel agreed that the audio and visual quality was proper.

2. The petitioner is the accused in Criminal Complaint 433/2016 instituted by respondent Dharamvir Songhare under Section 138 of the Negotiable Instruments Act, 1881 (Act).

3. The petitioner is aggrieved by the exercise of discretion by the learned Magistrate who condoned delay of 43 days in instituting the complaint.

4. The petitioner challenged the order of condonation of delay in revision and met a similar fate. The Revisional Court found no error in the exercise of discretion by the learned Magistrate.

5. In exercise of writ jurisdiction, I am not inclined to interfere with the concurrent view.

6. The justification pleaded in support of the condonation of delay prayer was that the learned counsel got married and was busy in the post marriage functions and rituals. Notably, while the petitioner – accused did file reply opposing the prayer for condonation of delay, he remained absent when the application was heard.

7. No case is made out for invoking writ jurisdiction. The petition is dismissed.

JUDGE