

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO. 301 OF 2021
IN ALPST/831/2021**

Renuka Mata Multistate Co-operative Urban
Credit Society Limited Ahmednagar
Through its Authorized Person

.. Applicant

Versus

The State of Maharashtra and another

.. Respondents

Mr. A. S. Gandhi, Advocate for the Applicant.

Mr. Y. G. Gujrathi, APP for Respondent No. 1.

Mr. Z. H. Farooqui, Advocate h/f Mr. N. V. Gaware, Advocate for
Respondent No. 2.

CORAM : KISHORE C. SANT, J.

DATED : 05th DECEMBER, 2022.

P. C. :-

1. This is an application seeking condonation of delay of 508 days that is caused in filing application seeking leave to file appeal against acquittal in a case under Section 138 of the Negotiable Instruments Act. The applicant is a Multi State Co-operative Urban Credit Society. The reason assigned for the delay is that the applicant is the bank. The order is passed on 10.06.2019, however, the society could not get immediate knowledge of the dismissal order. It came to the knowledge of the society only when they checked the status of the case. After getting the knowledge it instructed to file an application for certified

copy. Thus, after getting the certified copy the application is filed. However, in the process, delay is caused and the applicant prays for condonation of delay.

2. Learned advocate Mr. Farooqui holding for learned advocate Mr. Gaware for respondent No. 2 opposes the application vehemently. He submits that the application is without any reasons. The reasons assigned in the application are not sufficient to condone the delay of 508 days.

3. Considering that, the applicant is the society and it is the money of its members that needs to be recovered, this Court feels that the application deserves to be allowed. Hence, the following order.

ORDER

(I) The Criminal Application No. 301/2021 is allowed.

(II) Delay of 508 days stands condoned.

(III) Office to register the application for leave to file appeal bearing Application for leave to file appeal by private party (stamp) No. 831/2021.

4. The criminal application is disposed of accordingly.

(KISHORE C. SANT, J.)

PS.B.