

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

**923 CRIMINAL APPLICATION NO.689 OF 2021
IN ALPST/1908/2021**

**KANHUR PATHAR CO-OPERATIVE CREDIT SOCIETY LTD.,
KANHUR PATHAR, THROUGH DILIP SITARAM THUBE
VERSUS
PRADEEP VISHWANATH WAGHMARE**

Mr. S. V. Suryawanshi, Advocate for the applicant

CORAM : KISHORE C. SANT, J.

DATE : 09th DECEMBER, 2022

P. C.

1. Heard the learned advocate for the applicant.
2. This is an application for condonation of delay. Learned advocate for the applicant submits that the impugned judgment and order is dated 27-09-2019. Application for leave to file an appeal is presented in this court on 08-03-2021. Though the delay appears to be of more than 467 days, he submits that in fact the delay needs to be considered only till 20-03-2020, since thereafter because of covid guidelines the

applicant could not approach this court and file an application. The guidelines were in operation till March, 2021 and thus the delay is hardly of 90 to 95 days. He further states that the applicant is cooperative credit society which require some time to file an appeal after seeking opinion from their advocate. It is for this reason delay is caused. Alleged cheque was given for discharge of liability arising towards loan. If the appeal is not heard on merits, it will cause prejudice to the cooperative credit society and its share holders and prays that the application may kindly be allowed by condoning delay caused in filing the application for leave to file an appeal against acquittal.

3. In spite of service of notice, respondent has not appeared.

4. In view of above, a case is made out to condone the delay. The application is thus allowed. The delay stands condoned.

(3)

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5. Office to register the application seeking leave to file an appeal against acquittal by private party.

6. Issue notice to the respondents in the application seeking leave to file an appeal against the acquittal, returnable on 13-01-2023.

[KISHORE C. SANT, J.]

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