

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

**34 CRIMINAL APPLICATION NO.874 OF 2021
IN ALPST/2454/2021**

**SHREE NARYAN MAHILA NAGARI SAHKARI PAT SANSTHA
LTD. PARBHANI THROUGH BALAJI GANGADHAR CHAVAN
VERSUS
JITENDRA PRABHAKAR DAHIWAL**

Mr. Om D. Totawad, Advocate h/f Mr. C. R. Thorat, Advocate for
the applicant

Mr. R. M. Gaikwad, Advocate h/f Mr. P. M. Gaikwad, Advocate
for the respondent

CORAM : KISHORE C. SANT, J.

DATE : 28th November, 2022

P. C.

1. Heard the learned advocates for the parties.

2. This is an application seeking condonation of delay of 578 days caused in filing the application seeking leave to file an appeal against acquittal in the case for the offence under Section 138 of the Negotiable Instruments, Act. He submits that out of 578 days delay there is only 278 days delay and rest days delay is caused because of covid lockdown. The applicant-

original complainant is a bank run by a women. It is submitted that the judgment and order passed by the learned JMFC in SCC No. 2131/2016 was not communicated by the learned advocate of the applicant and therefore, applicant had no knowledge of the order of acquittal.

3. Learned advocate for the respondent has filed reply and states that there is no proper reason assigned for condonation of delay and therefore, delay does not deserve to be condoned.

4. Since, this is an application filed by the bank run by women and since if the money is not recovered it would be loss to the bank and its shareholders as such public money is involved. Further looking to the reasons that there was no knowledge of the impugned judgment and order and since it is filed immediately after the knowledge, the delay deserves to be condoned. Hence, the application stands allowed.

(3)

criapln874.21

5. Office to register the application seeking leave to file an appeal.

[KISHORE C. SANT, J.]

VishalK/criapln874.21