

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

922 CRIMINAL APPLICATION NO.3788 OF 2019

PAWANRAJE NIMBALKAR NAGARI SAHAKARI
PATHSANSTHA LTD., OSMANABAD THROUGH
DNYANESHWAR MAHADEO BHOSALE

VERSUS
SHAHEDA MAJID SAYYAD

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Advocate for Applicant : Mr M B Kolpe h/f Wakure S A.

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CORAM : KISHORE C. SANT, J.

Dated: December 15, 2022

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PER COURT :-

1. Heard learned Advocate for the applicant. He states that, the applicant is the Society, who had disbursed the loan to the respondent. Towards repayment of the loan, cheque was issued by the respondent, which was dishonoured. The complaint was, therefore, filed under section 138 of the Negotiable Instruments Act. However, on technical grounds, the learned Court below has recorded finding of acquittal. The applicant-society requires to follow the procedure before taking the decision to file appeal against acquittal. It is for this reason, a delay of 43 days is

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caused in filing the application seeking leave to file appeal against acquittal.

2. In spite of service of notice, none appears for the respondent.

3. Considering that delay is of 43 days caused for the reasons stated in the application, this court finds that delay deserves to be condoned. Hence, the application is allowed. Delay is condoned. Office to register the ALP. Criminal application stands disposed off.

(KISHORE C. SANT, J.)

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