

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.888 OF 2022
IN
CRIMINAL APPEAL NO.259 OF 2016**

Ashvin Subhash Gupta .. Applicant/Appellant
Versus
M/s.Suman Motels Ltd. and Ors. .. Respondents

**WITH
INTERIM APPLICATION NO.884 OF 2022
IN
CRIMINAL APPEAL NO.260 OF 2016**

Mrs.Damayanti Mukesh Marolia .. Applicant/Appellant
Versus
M/s.Suman Motels Ltd. and Ors. .. Respondents

**WITH
INTERIM APPLICATION NO.886 OF 2022
IN
CRIMINAL APPEAL NO.261 OF 2016**

Mrs.Heena Mahesh Marolia .. Applicant/Appellant
Versus
M/s.Suman Motels Ltd. and Ors. .. Respondents

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Mr.Rajendra Sorankar, Advocate for the Applicant/Appellant.

Mr.S.K. Chaurasia i/b. M/s.Raj & Associates, Advocate for Respondent Nos.1 to 7.

Mr.S.V. Gavand, APP for the Respondent No.8-State.

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CORAM : PRAKASH D. NAIK, J.

DATED : APRIL 18, 2022.

P.C. :

All these interim applications are preferred by the appellant/original complainant in Appeal challenging the judgment and order of acquittal of respondents for offence under Section 138 of the Negotiable Instruments Act (“NI Act”, for short). The applicant /appellant is the original complainant in the complaints filed against the respondents who are acquitted by the Court of learned Metropolitan Magistrate 20th Court at Mazgaon, Mumbai.

2 Learned advocate for the appellant/applicant submitted that the subject transaction is of 1997. The cheques were dishonoured in the year 2000, and, the complaint was filed in the same year. The respondents were acquitted *vide* judgment and order dated 18th April, 2013. The Appeals had come up for hearing before this Court and *vide* order dated 31st July, 2019, the Appeals were posted on 8th August, 2019, for final disposal. However, the matters did not reach for final hearing.

3 The respondents have filed reply opposing the prayers sought in these applications. Learned counsel for respondents submits that in the application the age of constituted attorney, who is senior citizen has been mentioned and not the age of original complainant. No ground is made out for listing the Appeals for hearing.

4 It is noted that the complaint was filed in the year 2000. The complaint relates to the offence under Section 138 of the NI Act. The respondents were acquitted by the trial Court. Order dated 31st July, 2019, indicate that the Appeals posted for hearing finally. In this circumstances, the Appeals be posted for hearing on 15th June, 2022 at the bottom of the admission Board.

5 All the Interim Applications stand disposed of accordingly.

(PRAKASH D. NAIK, J.)