

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

CRIMINAL APPLICATION NO. 382 OF 2022

Liladhar Eknath Patil ...Applicant
Versus
The State Of Maharashtra And Anr. ...Respondents

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Mr. Shailesh Kharat, Advocate for the Applicant.

Mr. Sandeep Phatak, Advocate for the Respondent No.2.

Mr. A.R. Patil, APP for the Respondent – State.

CORAM : PRAKASH D. NAIK, J.
DATE : 4th JULY, 2022.

PER COURT:

1. This is an application for restoration of the application for condonation of delay preferred by the applicant before the Sessions Court in preferring an appeal challenging Judgment of the trial Court convicting the applicant for offence under Section 138 of Negotiable Instruments Act.

2. The applicant was directed to deposit an amount of Rs.2,00,000/- by this Court vide order dated 28th April, 2022. This Court had also released the applicant on bail on furnishing bond in the sum of Rs. 15,000/-

3. Pursuant to order dated 28th April, 2022 the applicant has deposited the amount of Rs.2,00,000/- before the trial Court. The applicant has also executed the bail bond.

4. The application for condonation of delay in preferring appeal preferred by the applicant has been dismissed for default vide order dated 27th September, 2019. The complainant is represented by learned Advocate Mr. Shailesh Kharat has been appointed through legal aid. It is submitted that the amount of Rs.2,00,000/- deposited by applicant may be permitted to withdrawn by the complainant.

5. The appeal preferred by the appeal pending before the Sessions Court, the delay had to be condoned. However, Considering that the applicant has been convicted by the trial Court and directed to deposit an amount of Rs.2,62,500/- to the complainant.

6. Considering the aforesaid circumstances, the application for condonation of delay preferred by the applicant before the Sessions Court which has been dismissed for want of prosecution is restored. The Sessions Court shall decide the application for condonation of delay on merits within a period of three weeks from today. The complainant is permitted to withdraw an amount of Rs.1,00,000/- deposited by the applicant before the trial Court with an undertaking that the said withdrawal shall be subject to the outcome of the appeal preferred by the applicant. The interim

relief granted by this Court in the form of Act. The interim bail shall continue for a period of four weeks. The Sessions Court shall pass appropriate order in the application for condonation of delay and the appeal preferred by the applicant.

7. This application disposed of.

(PRAKASH D. NAIK, J.)