

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APPA) NO.585/2021

Apex Cotton Growers Sahakari Pat Sanstha Ltd. Nagpur

Vs.

Shri Ganesh s/o Ratansing Bayas

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Shashank J. Kamdi, Advocate for appellant
Ms Aparna M. Telange, Advocate h/f Shri V.D. Darne,
Advocate for respondent

CORAM : SMT. M.S. JAWALKAR, J.

DATED : 29/09/2022

The present application is filed by applicant for condonation of delay in filing appeal. The present appeal is filed challenging the order passed by learned 2nd, Judicial Magistrate First Class, Yavatmal dated 21/01/2021 in Summary Criminal Case No.323/2018 thereby acquitting the non-applicant of the charges punishable under Section 138 of the Negotiable Instrument Act.

2. The delay is caused as per applicant that though the certified copy was received on 02/02/2021 due to COVID-19 Pandemic, the applicant could not contacted his Counsel. After situation of COVID-19 Pandemic relaxed, he approached the Counsel for filing appeal. The appellant ought to have failed to appear on 22/03/2021, however, it could not be filed within limitation. He has further submitted that he has good case on merit and in view of the Misc. Application No.665/2021 in Suo Motu No.3/2020 by

order dated 27/04/2021 the Hon'ble Apex Court extended limitation. As per office objection, there is 165 days delay. The respondent is served in the Month of October, 2021. However till today, no reply has been filed.

4. I am satisfied that there is sufficient and bonafide reason for not filing appeal. There is no deliberate or intentional delay. As such delay in filing appeal is hereby condoned.

5. The Registry is directed to registered the appeal.

JUDGE

R.S. Sahare