

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

**CRIMINAL WRIT PETITION NO.1187 OF 2022**

Deepak s/o Harlal Gavale

... PETITIONER

**VERSUS**

Jalgaon Udyojak Nagari Sahakari  
Patsanstha Ltd. & anr.

... RESPONDENTS

.....  
Mr. T.K. Sant, Advocate for petitioner  
Mr. S.V. Dixit, Advocate for respondent No.1.  
Mr. A.A. Jagatkar, A.P.P. for respondent No.2  
.....

**CORAM : R.G. AVACHAT, J.**

**DATE : 24th MARCH, 2023**

**PER COURT :**

Heard. The petitioner herein was an accused in a complaint instituted under Section 138 of the Negotiable Instruments Act. He has been convicted by the trial Court and, therefore, preferred appeal against his conviction. Before the appellate Court, the petitioner preferred an application for striking of his evidence given on affidavit. In support of his claim, he relied on the Apex Court judgment in case of **Mandvi Co-op. Bank Ltd. Vs. Nimesh B. Thakore [2010 (4) Mh.L.J. 220]**, besides other authorities of this Court. The appellate Court

rejected his application and, therefore, the petitioner is before this Court.

2. Perused the authorities relied on. It would not be desirable to make any observations regarding the claim made by the petitioner herein since the substantive appeal against conviction is pending before the appellate Court. Purpose would be served if the appellate Court is directed to decide the appeal within a time-frame of two months from the date of receipt of copy of this order. The petition is accordingly disposed of with directions to the appellate Court to decide the appeal within a period of two months from the date of receipt of copy of this order.

**(R.G. AVACHAT, J.)**

fmp/-