

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

**925 CRIMINAL APPLICATION NO.3226 OF 2022
IN ALPST/8877/2022**

**M/S. BAHETI LOGISTICS A PARTNERSHIP FIRM THROUGH ITS PARTNER
MR. PRADEEP S/O. GHANSHYAMDAS BAHETI
VERSUS
THE HMD TRANSPORT A LIMITED LIABILITY PARTNERSHIP FIRM THROUGH
ITS PARTNER DHIRAJHARIKISHAN DARAK**

Mr.Ashutosh Kulkarni h/f. Mr. J.N. Singh, Advocate for the applicant.

**CORAM : KISHORE C. SANT, J.
DATED : 10.01.2023**

PC :-

01. Application is filed for condonation of delay caused in filing ALP (St) No.8877 of 2022 seeking leave to file appeal by private party. Delay as stated in the application is 51 days, but the office has calculated the delay of 115 days. Respondent though served has not appeared.

02. On going through the application, it appears that case is made out condone the delay in filing application seeking leave to file appeal against acquittal. It also needs to be considered that leave is sought against order of acquittal in a case under section 138 of the Negotiable Instruments Act. The complaint is dismissed under section 256(2) of Cr.P.C.

03. Considering this, the delay deserves to be condoned. The application is allowed by condoning the delay.

04. After registration of Criminal Application for Leave to Appeal, issue notice to the respondent, returnable on 31.01.2023.

[KISHORE C. SANT, J.]