

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

28 CRIMINAL APPLICATION NO.4247 OF 2022
IN ALPST/11792/2022

GORESHWAR GRAMIN BIGARSHETI CO-OP. CREDIT SOCIETY
LTD. THROUGH JALINDER JANAJI NARSALE
VERSUS
BABASAHEB MARUTI ADSUL

...
Advocate for Applicant : Mr. V B Anjanwatikar

...
CORAM : KISHORE C. SANT, J.
Dated: February 10, 2023

...

PER COURT :-

1. Heard.
2. None appears for the respondent inspite of service.
3. This is an application seeking condonation of delay of 126 days that is caused in filing an application seeking leave to file an appeal against the order of acquittal. The challenge in the ALP is to an order passed by the learned Additional Chief Judicial Magistrate, Ahmednagar dated 4.6.2022 in SCC No.33 of 2017 whereby respondent is acquitted of the offence punishable u/s 138 of the NI Act.
4. Considering that, the delay is not deliberate and not intentional, but for the reasons stated in the paragraph no.5, the same deserves to be condoned. Hence, order.

aaa/-

O r d e r

- i. Criminal application is hereby allowed.
- ii. Delay of 126 days caused in filing this application seeking leave to file appeal against the order of acquittal is allowed.
- iii. Office to register the ALP.
- iv. Application is disposed off.

(KISHORE C. SANT, J.)

...