

Maria S.

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISC. APPLICATION NO.73 OF 2022

WITH

CRIMINAL APPEAL NO.518 OF 2022 (F)

CRIMINAL MISC. APPLICATION NO.73 OF 2022

KESHAVNATH SHANTARAM NAIK

... APPLICANT

Versus

BALRAJU L. DE SA

... RESPONDENT

WITH

CRIMINAL APPEAL NO.518 OF 2022 (F)

KESHAVNATH SHANTARAM NAIK

... APPELLANT

Versus

BALRAJU L. DE SA

... RESPONDENT

Mr. Abhijeet Kamat, Advocate with Ms Neha Kholkar, Advocate for the applicant.

Ms Namrata N. Gawde, Advocate for the respondent.

CORAM:- PRAKASH D. NAIK, J.

DATED :- 7th August, 2023

P.C.

This is an application for condonation of delay in challenging the order of acquittal passed by the trial Court acquitting the respondent accused of offence punishable under Section 138 of the Negotiable Instrument Act.

2. Learned advocate for the applicant submitted that sufficient cause has been explained in the application. There is a delay of about 52 days in preferring the appeal against acquittal whereas the contention of the learned counsel for the respondent is that no sufficient cause is

shown for condoning the delay. The applicant ought to have taken steps to challenge the judgment of acquittal. The applicant was aware of the proceedings before the lower Court.

3. It is a settled principle of law that as far as possible the parties must be given an opportunity to challenge the orders on merits. The delay is of about 52 days in preferring the appeal. The complaint was dismissed in accordance with Section 256 of the Code of Criminal Procedure. The applicant has shown sufficient cause to condone delay.

4. In view of submissions and reasons stated in application, the delay is condoned.

5. Miscellaneous Civil Application No.73 of 2022 is disposed of.

PRAKASH D. NAIK, J.