

Shiv

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO.296 OF 2019
IN
APPLICATION FOR LEAVE TO APPEAL (ST) NO.70 OF 2019
WITH
CRIMINAL APPLICATION NO.297 OF 2019
IN
APPLICATION FOR LEAVE TO APPEAL (ST) NO.71 OF 2019**

Amol Jaysing Patil Through
POA Atish Rangrao Gosavi ...Applicant
vs.
Om Sai Group Land Developers & Anr. ...Respondents

Mr. Anand S. Patil for the Applicant.
Mr. H. J. Dedhia APP for the Respondent-State.
Mr. Sushant A. Khatake i/b Umesh H. Pawar for Respondent No.4.

CORAM : S. M. MODAK, J.

DATED : 23RD MARCH 2023

P. C. :

1. Heard learned Advocate for both sides.
2. The Court of the Judicial Magistrate First Class, Islampur as per the judgment dated 22nd October 2018, was pleased to acquit Respondent Nos.1 to 4, for the offence punishable under section 138 of NI Act.
3. The original complainant has challenged the said judgment.

He states that there is delay of 15 days in preferring the Appeal. Respondent Nos.1, 3 and 4 are served. There is appearance on behalf of Respondent No.4. Respondent Nos.1 and 3 have not appeared. Respondent No.2 is served by whatsapp message and registered notice sent to him has returned back with remarks “not claimed”. The Applicant seeks time to file an affidavit.

4. Let affidavit be filed within two weeks.

5. Learned Advocate for Respondent No.4 opposed the delay condonation application.

6. Considering the reasons mentioned in para 3 of the Application, the delay is condoned.

7. Application is disposed of.

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8. Learned Advocate for Respondent No.4 seeks adjournment, since he is not served the special leave Application. Let special leave application be served upon him.

9. Matter be kept on **18th April 2023**.

[S. M. MODAK, J.]