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

**INTERIM APPLICATION NO.1999 OF 2022
IN
CRIMINAL APPLICATION NO.518 OF 2018
WITH
INTERIM APPLICATION NO.1998 OF 2022 IN CRI.APPLN.518/2018**

Lalkar Securities Pvt. Ltd. ...Applicant
vs.
Srinivas Goud Mothukari & Anr. ...Respondents

Mr. Ganesh S. Patil for the Applicant.
Mr. N. B. Patil APP for the Respondent-State.

CORAM : S. M. MODAK, J.

DATED : 2ND MAY 2023

P. C. :

INTERIM APPLICATION NO.1999 OF 2022

1. Heard learned Advocate for the Applicant and learned APP for the Respondent-State.
2. Learned Metropolitan Magistrate, 33rd Court, Mumbai was pleased to acquit Respondent No.1-accused for the offence punishable under section 138 of NI Act. There was delay of 738 days in filing leave Application. The Applicant could not serve

Respondent No.1-accused. This Court as per order dated 11th November 2019, was pleased to observe that the proceedings will be dismissed without further reference to the Court, if the Applicant is unable to serve Respondent No.1 till December 2019. The delay condonation Application was dismissed as service on Respondent No.1 could not be affected. This Application is filed for setting aside the said order.

3. For the reasons stated in paras 2 to 7, the Application is allowed in terms of prayer clause (b) and (c) and the proceedings for condonation of delay is restored.

4. Interim Application is disposed of.

CRIMINAL APPLICATION NO.518 OF 2018

5. The said proceedings are restored.

6. Let notice be issued to Respondent No.1, returnable on 4th July 2023. Private notice is allowed. Service affidavit be filed before the next date.

[S. M. MODAK, J.]