

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

**CRIMINAL APPLICATION IN APPLICATION NO. 611 OF 2018
IN
CRIMINAL APPLICATION NO. 26 OF 2018**

Tulshidas M. Kunder ...Applicant

vs.

Satyasha Krishna Shetty and Anr. ...Respondents

Mr.Abhijit S. Deshmukh – Advocate for Applicant.
Mrs.M.R.Tidke – APP for the Respondent No.2-State.

CORAM : S. M. MODAK, J.

DATE : 21st MARCH, 2023

P. C. :-

1. Heard learned Advocate for the Applicant.
2. Criminal Application No. 26 of 2018 was filed for condoning the delay of two days in filing Leave Application. This Court has issued a notice on 23rd March, 2018. Returnable date was 13th April, 2018. The matter was supposed to be listed on 13th April, 2018, however, it has come on board on 10th April, 2018. Naturally, learned Advocate for the Applicant was not expected to remain present. Considering the non appearance on behalf of the Applicant, this

Court has dismissed the Application on 10th April, 2018. Its copy is on Page No.11. The matter needs to be restored.

3. Hence, Application No. 611 of 2018 is allowed and disposed of accordingly. Criminal Application is restored.

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4. There is a delay of two days in filing the Leave Application. Respondent-Accused was acquitted for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 [“IPC”] as per the impugned judgment dated 4th March, 2017. Special Leave is sought.

5. Let notice be issued on Delay Condonation Application as well as on Special Leave Application returnable on **19th April, 2023**. Additionally, private notice is allowed. Affidavit of service be filed. Learned APP waives notice for Respondent No.2-State.

[S. M. MODAK, J.]