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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO.3747 OF 2022
IN
CRIMINAL APPLICATION NO.193 OF 2022**

Swati Tukaram Waghmare ... Applicant
Vs.
Latika Tanaji Mane & Anr. ... Respondents

Mr. Suhas S. Inamdar for the Applicant.
Mr. Y. Y. Dabke APP for Respondent No.2-State.

CORAM : S. M. MODAK, J.

DATED : 15TH FEBRUARY 2023

P.C:-

1. Heard learned Advocate for the Applicant and learned APP for Respondent No.2-State.
2. The Court of Additional Judicial Magistrate, Solapur as per judgment dated 8th June 2015, was pleased to convict Respondent No.1-accused under section 138 of the Negotiable Instruments Act. This judgment was reversed by Court of Additional Sessions Judge as per judgment dated 6th August 2019.
3. Initially, the Applicant preferred Criminal Revision Application No.508 of 2019. This Court as per order dated 6th September 2019, has permitted the Applicant to convert Criminal Revision Application into Appeal and time spent was to be considered while dealing with

Appeal. Perused the order.

4. The impugned order was passed on 6th August 2019. Criminal Revision Application was filed in the year 2019 and it was disposed of by this Court on 6th September 2022. Whereas delay condonation application is filed on 20th September 2022. There is delay of 12 days. It is explained in paras 2 to 4 of the present Application. Considering the circumstances the delay can be condoned even without issuing notice to contesting Respondent No.1 subject to payment of cost. Hence, the following order is passed :

O R D E R

- (i) Interim Application is allowed in terms of prayer clause (a) subject to deposit of cost of Rs.1,000/- to be deposited in this Court within a period of one week from today.
- (ii) The cost deposited be paid to Respondent No.1 after his appearance.

5. Application is disposed of.

Special Leave Application No.193 of 2022

6. The original complainant wants to challenge the judgment of the Sessions Court thereby allowing the Appeal and setting aside the order conviction passed by Additional Chief Judicial Magistrate, Solapur. Special leave is sought.

7. Let notice be issued to Respondent No.1, after deposit of Rs.1,000/- in this Court within aforesaid period, as to why special leave should not be granted. Notice is made returnable on **16th March 2023**. Learned APP waives service of notice on behalf of Respondent No.2-State. Private notice is allowed. Service affidavit be filed.

(S. M. MODAK, J.)