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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO.4571 OF 2022
IN
CRIMINAL APPLICATION STAMP NO.16171 OF 2022**

Rajkumar Harishchandra Agarawal ... Applicant
Vs.
Viraj Prataprao Jagdale & Anr. ... Respondents

Mr. Dheeraj Patil i/b Mr. Drupad S. Patil for the Applicant.
Mr. Vivek Joshi i/b Mr. Ramakant Paranjape for Respondent No.1.
Mr. H. J. Dedhia APP for Respondent No.2-State.

CORAM : S. M. MODAK, J.

DATED : 24TH FEBRUARY 2023

PC:-

1. Heard learned Advocates for the Applicant and Respondent No.1, and learned APP for Respondent No.2-State.
2. In para 2 and in para 11 of the Application, the Applicant has stated that there is delay of 70 and 65 days respectively, whereas in copy supplied to Respondent No.2 in para 11, the Applicant has stated that there is delay of 55 days, whereas according to Respondent No.1-accused, delay is of 77 days. Be that it may, the delay has caused as the Applicant was confused about forum i.e. whether the Application lies before the Sessions Court or this Court. So delay is properly explained. Delay is condoned.

3. Application is allowed in terms of prayer clauses (a) and (b).
4. Application is disposed of.

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5. This Appeal against order of acquittal for the offence punishable under section 138 of NI Act. Special leave is sought. Copy of the Application is already received by Respondent No.1. He waives notice.

6. Matter be kept on **31st March 2023**.

(S. M. MODAK, J.)