

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**NAGPUR BENCH : NAGPUR****CRIMINAL APPLICATION (APPA) NO. 267/2023****Devpal Tulsiram Meshram .vs. Hiralal Bhauji Bhoyar**

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Ms R. Singh, Advocate for applicant.

Mr. S. A. Puranik, Advocate for non applicant.

CORAM : ANIL L. PANSARE, J.

DATE : APRIL 28, 2023.

By the present application, the applicant is seeking to condone the delay of 28 days caused in filing the appeal against the judgment and order dated 30.11.2022 passed by Judicial Magistrate First Class, Pombhurna, District Chandrapur, whereby complaint filed by the applicant under Section 138 of the Negotiable Instruments Act, 1881, came to be dismissed.

Learned counsel for applicant submits that delay has occurred because it took time to procure the documents. Learned counsel appearing before the trial Court did not apply for certified copy in time and therefore did not get it in time. Learned counsel for applicant submits that the applicant should not suffer for the fault of his advocate.

Learned counsel for non applicant has opposed the application on the ground that delay has not at all been justified.

However, considering the submissions made by the learned counsel for the applicant and for the reasons set out in the application, it is allowed. List the appeal for hearing on leave to file appeal.

The application is disposed of in above terms.

(Anil L. Pansare, J.)