

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (APPA) NO.582 OF 2022 IN
CRIMINAL APPLICATION STAMP (APPA) NO.5347 OF 2022 IN
CRIMINAL APPEAL STAMP NO.5346 OF 2022

Atul Nathani (HUF) thorough its Karta Atul Dinesh Nathani

Vs.

M/s Shreekrishna Ginning & Pressing and another

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

Court's or Judge's orders.

Shri C.F. Bhagwani, Advocate for applicant.

Shri V.K. Kolte, Advocate for non-applicant nos.1 and 2.

CORAM : ANIL L. PANSARE, J.

DATE : FEBRUARY 09, 2023.

By this application, the applicant is seeking condonation of delay of 15 days in filing the application for leave to file appeal against order dated 08.04.2022 passed by the learned Additional Chief Judicial Magistrate (Special Court – 138 N.I. Act), Nagpur in Summary Criminal Case no.11122 of 2018 thereby acquitting the non-applicants under Section 138 of Negotiable Instruments Act.

2. Learned advocate for the applicant submits that the delay has occurred because the applicant was not keeping well.

3. Though the learned advocate for the non-applicants has opposed the application, the delay being trivial and since the applicant was not keeping well, the delay needs to be

condoned. Hence, the following order is passed.

ORDER

- i. The application is allowed.
- ii. Delay of 15 days is condoned.
- iii. Application for leave to file appeal be registered.

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- 4. Heard. Issue notice.
- 5. Shri V.K. Kolte, learned advocate waives notice for non-applicants.
- 6. Stand over after two weeks.

JUDGE

Wagh