



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

Criminal Application (APL) No. 981 of 2023

Industries Pvt. Ltd, through its Directors and ors. **..vs..** M/s Maven Industries Ltd. Through its
Director and Authorized person]

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

Court's or Judge's orders

Mr. M. R. Johrapurkar, Advocate for the applicants

CORAM : ANIL L. PANSARE J.

DATED : 11-10-2023

The challenge is to the order dated 6-10-2022 passed by learned Additional Sessions Judge-12, Nagpur in Criminal Revision No. 192/2018 whereby the revisional Court has upheld the order dated 16-4-2018 passed by learned Judicial Magistrate First Class, Nagpur in miscellaneous criminal application by which the delay of four days in filing complaint under Section 138 of the Negotiable Instruments Act has been condoned.

2. The learned Judicial Magistrate First Class has condoned the delay on the ground that the delay is trivial and further taking aid of well settled principles of law that liberal view is to be taken while considering delay. The Magistrate has also noted that no prejudice will be caused to the applicants – original non-applicants if the application is allowed.

3. This order was challenged before the Additional Sessions Judge who has taken note of the contention raised by the applicants herein that delay has not been properly explained. The revisional Court has also taken note of the fact that the delay is trivial and, therefore,

can be condoned on the basis of reasons put forth on affidavit by the non-applicants.

4. Learned counsel for the applicants submits that the reason for delay was that one of the Directors was not keeping well. The medical certificate to that effect was filed. However, the applicants had raised doubt about the said medical certificate and, therefore, intended to cross-examine the doctor, which liberty was not granted by the trial Court, and therefore, the order passed by the trial Court is not sustainable. The revisional Court has also ignored the aforesaid fact.

5. As can be seen, both the Courts below have rendered concurrent findings against the applicants. What weighed with the Courts below is trivial delay which to my mind is something that cannot be said to be perverse or erroneous findings. In these circumstances, I am not inclined to invoke extra-ordinary jurisdiction under Section 482 of the Code of Criminal Procedure, particularly when there appears nothing to indicate that the application in question has been filed to abuse the process of law or is otherwise filed malafide.

6. The application is dismissed.

(Anil L. Pansare, J.)