



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

...

CRIMINAL APPLICATION (APL) NO. 1233/2023

M/s Loya Traders

Th: Its proprietor

..Applicant

versus

Ankita Trading Company and another

..Respondent/s

.....
Ms.S.W. Deshpande, Advocate for the applicant

Mr.Ananta Ghogare, APP for Respondent No.2
.....

CORAM: ANIL L. PANSARE, J.

DATED : 11th October, 2023.

PC:

Heard.

2. Challenge is to the order dated 14th July 2023 passed by the Sessions Court in Misc.Cri. Application No.3029/2017, by which the learned Sessions Court has rejected the application filed by the applicant seeking condonation of delay of 115 days in filing the revision against the order dated 18th April,2016 passed by the learned Judicial Magistrate First Class, Nagpur, issuing process u/s 138 of the Negotiable Instruments Act, 1881.

3. Having heard the learned counsel for the applicant, it appears that the order passed by the learned J.M.F.C. Nagpur on 18th April, 2016 was intended to be challenged before the Revisional Court. However since there occurred delay, an application seeking condonation of delay came to be filed. The learned counsel has invited my attention to the application filed before the sessions Court. In Para no.3, averments have been made to the effect that there occurred delay of 590 days and

the only reason assigned is that though order is passed on 18th April,2016, the applicant got knowledge of the order of issuance of process in the month of October,2017.

4. The order impugned indicates that the applicant sought to condone the delay of 115 days. The learned counsel could not satisfy this Court as to how the number of days been varied in the order impugned. Be that as it may, the fact remains that the only reason put forth for condoning the delay is that the applicant has got the knowledge of the order in the month of October 2017.

5. This reason cannot be said to be a good ground to justify the delay as required under Section 5 of the Limitation Act. The Sessions Court has therefore rightly rejected the application. No interference is called for in extraordinary jurisdiction of this Court. The application is rejected.

[ANIL L. PANSARE, J.]