

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

CRIMINAL APPLICATION (APPA) NO.1164 OF 2022 IN
CRIMINAL APPEAL STAMP NO.10220 OF 2022

Mohd. Siddik Sheikh Supdu (deceased) through Mohd. Haris Mohd. Siddik
Vs.
Sunil Dhanraj Chandak

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

Court's or Judge's orders.

Shri Anand Parchure, Advocate for appellant.
Shri H.V. Dhage, Advocate for respondent.

CORAM : ANIL L. PANSARE, J.
DATE : APRIL 3, 2023.

By the application, the applicant is seeking condonation of delay caused in filing the appeal against order dated 06.09.2022 in Criminal Miscellaneous Application No.97/2019, whereby the learned Judicial Magistrate First Class, Malkapur has dismissed the complaint for want of prosecution and acquitted the respondent (original Accused) for the offence punishable under Section 138 of the Negotiable Instruments Act.

2. Learned counsel for the applicant submits that the delay has been caused because the applicant / original complainant was not keeping well. The applicant is resident of Malkapur and required some time to contact the advocate at Nagpur.

3. Though learned counsel for the non-applicant opposed the application, for the reasons recorded hereinabove so also reasons set out in the application, the delay of 44 days in filing the application for leave to file appeal is condoned.

4. The application stands disposed of in above terms. Application for leave to file appeal be registered.

CRIMINAL APPLICATION (APPA) STAMP NO.10221 OF 2022

5. Stand over after two weeks.

JUDGE

Wagh