



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

929 **CRIMINAL APPLICATION NO. 2318 OF 2023**
IN ALPST/6397/2023

CHAYA MADHUKAR SWAMI
VERSUS
SANGITA DATTATRYA GAME

...
Advocate for Applicant : Mr. Avinash N. Barhate Patil
Advocate for Respondent : Mr. Shahaji B. Ghatol Patil

...
CORAM : ABHAY S. WAGHWASE, J.
DATED : 21st FEBRUARY, 2024

ORDER :

1. This is an application for condonation of delay of 430 days caused in filing the application for leave to appeal by private party against the judgment and order of trial court, acquitting accused from offence punishable under section 138 of Negotiable Instruments Act, 1881.

2. I have heard the learned Advocates for both sides.

3. After going through the application, explanation for delay is reflected in paragraph no.4 of the application. Moreover it is pointed out that complainant is a lady and therefore she had no means to seek timely advice. These are reasons contributing the said delay.

4. Other side has strongly opposed the application.

5. However, to give a fair chance to the applicant, delay needs to be condoned. The application stands allowed and disposed of. Delay stands condoned.

6. Registry to verify and to take further steps.

7. Issue notice to the respondent in application for leave to appeal by private party.

8. Learned Advocate Mr. Shahaji B. Ghatol Patil waives notice on behalf of respondent.

9. Stand over to 20.03.2024.

(ABHAY S. WAGHWASE, J.)