

shakuntala

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL MISC. APPLICATION NO.21 OF 2022

SIYARAM ENGINEERING INDUSTRY.,
THR. ITS PROP., PRAVEEN DWARKANATH
BLAGGAN.,

... APPLICANT

Versus

SAI DEVKI TRADECOM PVT. LTD., THR.
ITS DIRECTOR, SATISH V. GAWAS AND
ANR

... RESPONDENT

Ms. Shaizeen Shaikh, Advocate for the Applicant.

Mr. Gaurish Nagvenker, Additional Public Prosecutor for the
Respondent No. 2.

CORAM:- BHARAT P. DESHPANDE, J.

DATED :- 17th September, 2024

ORAL ORDER.

1. Heard Ms. Shaikh learned counsel for the Applicant and Mr. Nagvenker learned Additional Public Prosecutor for Respondent No.2. None appeared for Respondent No. 1, even though duly served.

2. This is an application for condonation of delay in filing an appeal.

3. Ms. Shaikh learned counsel for the Applicant submits that the delay is of 16 days and that too Applicant was not aware of the dismissal of the complaint filed before the Trial Court. She submits that on 19.09.2019 since the Advocate for Applicant remained absent, the complaint was dismissed. She further submits that the Applicant got knowledge only when he inquired with the concerned Advocate

and accordingly, applied for a certified copy.

4. The delay is only of 16 days which is not intentional but due to the fact that Applicant was not aware of the order passed by the Trial Court.

5. The application is supported by an affidavit of the Applicant.

6. The complaint filed by the Applicant under Section 138 of the Negotiable Instruments Act was dismissed by the Trial Court on the ground that the Applicant and his Advocate remained absent.

7. The reasons disclosed in the present application, more particularly in para 7 and 8, are sufficient enough to condone the delay of 16 days.

8. Application is allowed. The delay is condoned.

9. The Office to register the main matter subject to clearing of office objections within two weeks.

10. Application stands disposed of in the above terms.

BHARAT P. DESHPANDE, J.