



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

CRIMINAL APPLICATION NO.978 OF 2023

IN

CRIMINAL APPEAL (ST.) NO.6149 OF 2023

(Shri Naresh Dhanraj Chapke Vs. Shri Jitendra Madhukar Morghare)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. P. Rewatkar, Advocate for the appellant.
Mr. N.R. Dhoble, Advocate for the respondent.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- MARCH 20, 2024.

The application is for condonation of delay.

2. By the appeal, the appellant has challenged the order passed by the 10th Joint Civil Judge Senior Division and Additional Chief Judicial Magistrate, Nagpur in S.C.C. No.8112/2016 by which the accused is acquitted of the offence punishable under Section 138 of the Negotiable Instrument Act, 1881.

3. It is submitted by the learned Counsel for the appellant that in preferring the appeal 12 days delay is caused but it is for the reasonable and justifiable cause. He submitted that the delay is bonafide and has been explained and attributed to time consuming in searching for a replacement of lawyer and obtaining a brief from the previous lawyer and therefore, there is a satisfactory and sufficient reason for condonation of delay.

4. The application is strongly opposed by the learned Counsel for the accused on the ground that the reasons mentioned in the application is misleading and there is no sufficient and satisfactory for the condonation of delay. In view of that, the application deserves to be rejected.

5. I have heard learned Counsel for the parties. Perused the application as well as the reply. Considering the reasons mentioned in the application and the period of the delay is not an inordinate delay. It is well settled that while considering the delay condonation application, the Court has to see whether there is sufficient and reasonable cause for condonation of delay at the same time, the parties to be permitted to fight their cause on merits. The pedantic approach is not appreciated in the application like condonation of delay. In view of that, the application deserves to be allowed.

6. The delay is condoned subject to the costs of Rs.2500/- to be paid to High Court Legal Service Sub-Committee, Nagpur.

7. The application is allowed and disposed of accordingly.

(URMILA JOSHI-PHALKE, J.)