

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.

968 CRIMINAL APPLICATION NO. 4195 OF 2019

Chhaya W/o. Kachru Borde

....Applicant

Versus

Vinod S/o. Suryabhan Sonule

.....Respondent

.....

Shri. Babasaheb V. Dhage, Advocate for the Applicant

Shri. R. R. Khandebharad, Advocate for the Respondent

.....

CORAM : NEERAJ P. DHOTE, J.

Dated : MARCH 18, 2025

PER COURT :-

. This is the Application for condonation of 453 days delay in preferring ALP (Application for Leave to Appeal by Pvt Party) against the Judgment and Order dated 06.09.2018 passed by the learned Judicial Magistrate First Class, Aurangabad in S.C.C. No.1434/2016 acquitting the sole Respondent for the offence punishable under Section 138 of the Negotiable Instruments Act.

2. The learned Advocate for the Applicant / Appellant submits that sufficient grounds are shown in the Application which prevented the Applicant from preferring the ALP within the stipulated time and hence, the Application be allowed.

3. The Application is opposed by the sole Respondent on the ground that reasonable grounds are not mentioned in the Application and hence, the Application be rejected.

4. The following reasons are shown in the Application for not preferring the Application within the prescribed time.

“4. The Applicant state that, she could not file the appeal within a period of limitation as she was given ill advice regarding further proceedings or remedy available either in High Court or in District Court. Moreover, she was busy in her business of selling vegetable as there is no any earning hand in her family to maintain her family except her and her livelihood is depend upon her earning. There is a responsibility upon the complainant to maintain her family.”

5. From the reasons mentioned in the Application, the Application is allowed in terms of prayer clause ‘B’, subject to the Applicant/Appellant depositing cost of Rs.500/- (Rs. Five Hundred) in High Court Bar Association, Aurangabad. ALP be registered in accordance with law. Application stands disposed off accordingly.

(NEERAJ P. DHOTE, J.)

GGP