



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APL) NO. 845 OF 2024

Chandrakant Narayanrao Bele

Vs.

M/s. Elite Udhyog, Thru. Dnyandeo Ninu Patil and Ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. S.S. Shingane, Advocate for applicant.
Mr. D.V. Karnavat, Advocate h/f Mr. S.D. Sirpurkar, for non-
applicant No.1.
Mr. K.R. Giripunje, Advocate h/f Mr. S.V. Sirpurkar, Advocate
for non-applicant Nos.2 & 3.

CORAM : RAJNISH R. VYAS, J.

DATE : 23.09.2025

Present application is preferred by the original accused No.1 in criminal complaint under Section 138 of the Negotiable Instrument Act.

2. The applicant/original accused has preferred an application below Exhibit 48 before the Judicial Magistrate First Class, Court No.9, Akola praying for dropping /removing his name, in short for discharging him. The said application was filed and order to that effect was passed by the Court on 18.02.2022 on the ground that neither the applicant, nor complainant appeared for hearing.

3. Being aggrieved by the said order, the applicant had preferred criminal revision application before the District and Sessions Judge, Akola and since, there was a delay of about 120 days, an application for condonation of delay was also preferred along with criminal revision application. The reasons advanced in the said application was that the applicant was suffering from illness and therefore, could not file the proceedings within time bound period. It has been further pleaded that the applicant has undergone heart surgery and therefore, the proceedings could not be taken to the logical end within time bound period. Along with the application, no documentary evidence was filed to support his case.

4. Learned counsel for the applicant at the time of hearing has brought to my notice that the applicant has undergone heart surgery on 17.01.2019. The application for discharge was decided on 18.02.2022 and therefore, it cannot be said that delay was properly explained. Even otherwise, according to learned counsels, now the case is fixed for evidence and cross-examination of complainant is already over.

5. In that view of the matter, I am not inclined to interfere in the order impugned and therefore, criminal application is dismissed. No order as to costs.

(Rajnish R. Vyas, J.)