



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

CRIMINAL APPLICATION [APPA] NO. 807 OF 2025.

Vinod Mohan Harinkhede

-VERSUS-

Sau.Anita Dipak Dolas

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

Court's or Judge's Orders

Shri V.R. Borkar, Advocate for the Applicant.
Shri S.G. Karmarkar, Advocate for the Non-applicant.

CORAM : M.M. NERLIKAR, J.

DATE : DECEMBER 02, 2025.

Heard.

2. This is an application seeking condonation of delay of 59 days in preferring appeal against the order dated 08.06.2023, passed by the Chief Judicial Magistrate, Gondia whereby the complaint filed under Section 138 of the Negotiable Instruments Act (NI Act) came to be dismissed for want of prosecution.

3. The learned Counsel appearing for the applicant submit that against the order of dismissal in default, the applicant has filed revision before the

Sessions Court, however, the Sessions Court has passed an order observing that the revision is not maintainable, and therefore, present appeal is filed along with an application for condonation of delay.

4. The learned Counsel appearing for the non-applicant opposed the application on the ground that there is no sufficient reason or explanation given in the application for condonation of delay.

5. After hearing the parties and after going through the reasons for delay, I am satisfied that the explanation tendered by the applicant can be said to be plausible explanation and therefore, needs to be accepted. In this view of the matter, for the reasons set out in the application for condonation of delay, the delay of 59 days caused in filing appeal is condoned. Criminal Application is accordingly allowed. Office to register the application seeking leave to appeal.

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Criminal Application No. _____/2025 (For Leave).

Heard.

2. Issue notice to the non-applicant, returnable

on 23.12.2025. Shri S.G. Karmarkar, learned Counsel waives notice for the non-applicant and seeks time to file reply.

JUDGE.