



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

**CRIMINAL APPLICATION NO. 4244 OF 2025
IN ALPST/11821/2025**

Sulochana Anil Avhad

Age : 47 years, Occu.: Business,

R/o. Chhatrapati Colony, Behind Hotel Garva,

Dasre Nagar, Ahmednagar.

....Applicant
(Ori. Complainant)

Versus

Jayashri Ganesh Tanpure

Age: 41 years, Occu.: Service,

R/o. Chhatrapati Colony, Behind Hotel Garva,

Dasre Nagar, Ahmednagar.

.....Respondent
(Ori. Accused)

.....

Advocate for Applicant : Mr.Shubham Shinde

Advocate for Respondent : Mr. Yuvraj Vijayrao Kakde

.....

CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 23 MARCH, 2026

PRONOUNCED ON : 25 MARCH, 2026

ORDER :-

1. Present application is for condonation of 533 days delay caused in filing application for leave to file appeal.

2. It is submitted that present applicant had instituted S.C.C. No.98 of 2023 against present respondent for commission of

offence under Section 138 of the Negotiable Instruments Act. That, learned Additional Chief Judicial Magistrate, (Court No.18), Ahmednagar, which is trial Court, by judgment and order dated 20-03-2024, acquitted the accused. Against the same, applicant wants to file appeal and therefore, application for leave to file appeal is to be preferred. However, there is delay of 533 days in doing so. That, delay is unintentional and is rather on account of financial inability of complainant to challenge the proceedings before this Court. Therefore, in the interest of justice, application is sought to be allowed.

3. Learned counsel for respondent/accused would strongly opposed by stating that delay is huge and it is not properly explained. He pointed out that, occupation of complainant is apparently business and therefore, reason put-forth about financial crisis is not convincing. For above reasons, application is strongly resisted.

In support of his submissions, he relied on decision of the Hon'ble Apex Court in the cases of *Office of the Chief Post Master General and Ors. v. Living Media India Ltd. And Ors.*,

AIR 2012 SC 1506 and Basawaraj and Ors. v. The Spl. Land Acquisition Officer, AIR 2014 SC 746.

4. After considering the above submissions and on going through papers, it is emerging that by judgment and order dated 20-03-2024, the said S.C.C. came to be decided thereby acquitting respondent/accused. Applicant intends to question the same and therefore, application for leave to file appeal is required to be preferred. However, for applying leave, there is delay of 533 days. Thus, delay is almost more than one year. Sole reason for delay is financial crisis, but as pointed out, applicant, in title clause itself, has given her occupation as business. Therefore, the reason put-forth is not convincing and moreover, there is no other plausible reason for condonation of delay, which is huge. Therefore, there being no merits, application deserves to be rejected. Hence, following order.

ORDER

Criminal Application is rejected.

**(ABHAY S. WAGHWASE)
JUDGE**