



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.4354 OF 2025
IN
APPLICATION FOR LEAVE TO APPEAL BY PVT. PARTY (ST.)
NO.8800 OF 2024

Krushan S/o. Ganesh Marke,
Age : 36 years, Occu. : Business,
R/o. Haran Chowk, Hingoli,
Tq. & Dist. Hingoli.

... Applicant
(Orig. Complainant)

Versus

Inayatali Hashmatali Sayyad,
Age : Major, Occu. : Service,
R/o. HDFC Bank, Branch Hingoli,
Tq. & Dist. Hingoli.

... Respondent.
(Orig. Accused)

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Mr. R. P. Cheble h/f. Mr. S. S. Gangakhedkar, Advocate for Applicant.
Mr. Mohd. Aamir h/f. Mr. Mohd. Umar Mohd. Haneef, Advocate for
Respondent.

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CORAM : ABHAY S. WAGHWASE, J.
RESERVED ON : 06 APRIL 2026
PRONOUNCED ON : 10 APRIL 2026

ORDER :

1. This is an application for condonation of delay of 50 days caused in preferring leave to file appeal against the judgment and order dated 11.03.2024 passed by the learned Judicial Magistrate First Class, Hingoli in S.C.C. No.998 of 2019, which was instituted for commission of offence punishable under section 138 of Negotiable Instruments Act.

2. Learned counsel pointed out that, applicant is original complainant, who had filed above referred proceedings under section 138 of N.I. Act against the present respondent. That, judgment was rendered by the learned trial Court on 11.03.2024. That, thereafter applicant has waited for reasonable time for State to file appeal, but no such steps were taken, and therefore, applicant himself applied for the copy and thereafter obtained legal consultation. That, there is delay of 50 days, which has occurred in filing appeal. The delay is unintentional and is rather properly explained, and therefore, learned counsel prays for condonation of delay caused in filing application for leave to file appeal.

3. Learned counsel for original accused has strongly opposed the application for want of sufficient cause and reason for the aforesaid delay.

4. After considering the above submissions, here, there is delay in filing leave to appeal on account of acquittal of present respondent by learned J.M.F.C., Hingoli, who decided S.C.C. No. 998 of 2019 by order dated 11.03.2024 acquitting the present respondent. Therefore, as the original complainant intended to question the order of acquittal, leave of this Court is required to be obtained. However, there is delay of 50 days in seeking leave to file

appeal. The reason quoted for the delay is that State did not file an appeal. This was a private complaint, and therefore there was no question of the State filling an appeal. The complainant ought to have been diligent, as he had knowledge of judgment of acquittal. There is no other ground for condonation of delay except the above. Apparently, thus, there is delay of 01 month and 20 days in seeking leave. This court does not find the above reason to be convincing so as to condone the delay. In the light of above observations, application deserves to be rejected. Hence, the following order is passed :

ORDER

The application is hereby rejected.

(ABHAY S. WAGHWASE, J.)