



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 4408 OF 2025
IN APPLICATION FOR LEAVE TO APPEAL (ST) NO. 12252 OF 2025

Bhagwant Ramkisan Phirke
Age : 72 years, Occu. Private Service,
R/o. Adinath Heights, Uttaranagri,
Chikalthana, Chhatrapati Sambhajinagar.

... Applicant
(Original Complainant)

Versus

Sharad s/o Banshilal Singhavi
Age : 65 years, Occ. Business,
Chhatrapati Sambhajinagar.

... Respondent
(Original Accused)

.....
Mr. N. Y. Kingaonkar, Advocate for the Applicant.
Mr. Nilesh V. Patil, Advocate for the Respondent.
.....

CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 06.04.2026

Pronounced on : 07.04.2026

ORDER :

1. This is an application for condonation of delay of 186 days caused in filing application for leave to file appeal against the judgment and order dated 05.03.2025 passed by learned J.M.F.C., Aurangabad in S.C.C. No. 8343 of 2018.

2. It is submitted that, present applicant is the original complainant who had instituted S.C.C. No. 8343 of 2018 against

present respondent before the Court of learned J.M.F.C., Aurangabad for offence under Section 138 of Negotiable Instruments Act. That, said case was decided on 05.03.2025. That, applicant being old aged, he could not approach his advocate to get status of the matter and there was communication gap from his Advocate in conveying the date of judgment. Further, for marriage purpose, applicant was out of station during the entire month of May. That, on account of both above reasons, steps could not be taken to procure certified copies of judgment and to file appeal and therefore, according to him, delay is unintentional and is rather due to above reasons and so, liable to be condoned.

3. Learned counsel for respondent, original accused strongly opposed by submitting that delay is huge and there is no sufficient explanation for the same.

4. Heard. Perused the papers. Here is an application for condonation of delay of 186 days caused in filing application for leave to file appeal against the judgment and order dated 05.03.2025. Two reasons are quoted for delay. Firstly, communication gap from advocate and secondly, marriage of relative in the month of May. Papers show that judgment in S.C.C. No. 8343/2018 was rendered by

the learned J.M.F.C. on 15.03.2025 itself. If at all said judgment of acquittal was to be questioned, leave was required to be obtained within time. However, there has been delay of over 186 days i.e. over six months. As pointed out, applicant is resident of Aurangabad itself. The Court in which proceedings were instituted by him are also in Aurangabad and therefore, it does not stand to reason that complainant was not aware of the date of judgment. Secondly, as pointed out, it is merely stated in para 3 of the application that for the entire month of May 2025, applicant was busy in marriage ceremony and as such he could not approach the advocate for filing appeal. Such instructions could have been given even over phone. Therefore here, there is no plausible explanation for the above delay caused in filing application for leave to file appeal. There being no sufficient cause to condone delay, the following order is passed

ORDER

The application is dismissed.

[ABHAY S. WAGHWASE, J.]