IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.4096 OF 2025

ARJUN VITTHAL KUDHEKAR
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Date: 2026.08.18 22:08:53 +0530

World Federation Of Cardiac Imaging And Clinical Cardiology Trust & Anr. ...Petitioners

Versus

Medivision Infomedia Pvt. Ltd. & Anr. ...Respondents

Mr. Hemant Kenjalkar a/w Pallavi Bule & Jinal Mehta, for the Petitioners.
Mr. Somnath Iyer (Through Video Conferencing), for Respondent No.1.
Mr. S. S. Ghag, APP, for the Respondent-State.

Coram: Madhav J. Jamdar, J.
Date: August 18, 2026

P.C.:

1. Heard Mr. Kenjalkar, learned Counsel appearing for the Petitioners and Mr. Iyer, learned Counsel appearing for Respondent No.1.

2. By this Writ Petition filed under Article 227 of the Constitution of India, the challenge is to the Order dated 21st August 2024 passed by the learned JMFC, 7th Court, Dadar, Mumbai, in Miscellaneous Application No.541 of 2024 which was filed for condonation of delay of 15 days in lodging a Complaint under Section 138 of the *Negotiable Instruments Act, 1881* ("**NI Act**"). In the Petition, the Order dated 16th June 2025 passed by the learned Additional Sessions Judge, City Civil and Sessions Court at Mazgaon, Greater Mumbai, in Criminal Revision

Application No.767 of 2024, by which the said Order dated 21st August 2024 was confirmed, is also challenged.

3. It is the submission of Mr. Kenjalkar, learned Counsel for the Petitioners that the Complaint, which was filed through e-filing, was within limitation. However, the said Complaint was rejected on the ground that a physical copy of the Complaint was not filed. He, therefore, submits that filing of second Complaint which is e-filed alongwith the application for condonation of delay is not maintainable.

4. Mr. Iyer, learned Counsel for Respondent No.1 submits that, as the e-filed Complaint was rejected on the ground that the physical copy was not filed within stipulated period, a fresh Complaint has been e-filed along with an application for condonation delay. He submits that the learned Trial Court allowed the said application for condonation delay. He further submits that, in any case, the delay was only 15 days and, therefore, no interference in the discretionary order passed by the learned Trial Court is warranted.

5. Perusal of the record shows that the Complaint under Section 138 of NI Act was e-filed on 16th February 2024. It is an admitted position that the said Complaint was filed within the prescribed period. The said Complaint was thereafter rejected on the ground that physical copy had not been filed within seven days. Thereafter, upon rejection of the Complaint on 2nd March 2025, the Complainant i.e. the Respondent,

filed an application for condonation delay and along with Complaint which had been e-filed earlier was re-filed. In these circumstances, there was a delay of 15 days and the same has been condoned.

6. Thus, this is a case where the same Complaint has been re-filed along with an application for condonation delay. In any case, the learned JMFC has condoned the delay of 15 days. The said Order which is discretionary has been confirmed by the learned Sessions Judge.

7. In the facts and circumstances, no case is made out for interference in the extraordinary and discretionary jurisdiction of this Court under Article 227 of the Constitution of India.

8. Accordingly, the Writ Petition is dismissed.

[Madhav J. Jamdar, J.]