

MHKO010011322026



Cri.Misc.Appln.No.59/2026

Order below Exh.1

This application is filed for condonation of delay in preferring the appeal against the judgment and order dated 29-12-2025 passed in Summ.Cri.Case No.1361/2021, whereby the applicant/accused is convicted for the offence punishable under section 138 the Negotiable Instruments Act vide section 255(2) of the Code of Criminal Procedure. He is sentenced to suffer S.I. for one month and to pay fine of Rs.2,50,000/-; in default to suffer S.I. for one month. It is further directed the fine amount be paid to the complainant after the period of appeal is over.

02. It is case of the applicant that during the period of limitation to prefer an appeal, he was engaged in negotiations with the respondent. The negotiations resulted in paying the total settlement amount to the respondent. As the applicant paid the amount, he was under bonafide belief that the case against him is resulted in acquittal. He did not prefer appeal. The learned Trial Court issued conviction warrant and he is remanded to custody for serving the substantive sentence.

03. Learned advocate for the applicant submitted that the

delay is not intentional and it was under bonafide belief of the applicant that he paid entire settlement amount to the respondent. He prayed that the delay be condoned.

04. Criminal Appeal is a statutory right. According to the applicant, he has paid the settlement amount. In the appeal, the question will remain only in respect of substantive sentence. It will have to be decided on merit and for that end the appeal will have to be heard on merits. The delay in preferring the appeal is required to be condoned for this reason. Thus, the delay is condoned subject to deposit of cost of Rs.1,000/- by the applicant within 10 days from today. The cost be paid to the DLSA, Kolhapur. The appeal be registered after payment of the cost only.

05. Learned advocate for the applicant prayed that the applicant be released on bail till the appeal is registered. His prayer is accepted and the applicant is released on bail subject to execution of personal bond of Rs.25,000/- with the solvent surety in like amount.

Date – 17-03-2026

(D.VKashyap)
Additional Sessions Judge, Kolhapur