



**ORDER PASSED BELOW EXH. 1 IN OTHER
MISCELLANEOUS APPLICATION NO. 365/2016.
(Dattatray Baburao Shiral Vs. Savita Ashok Bhise)**

1. This is an application for condonation of delay in filing the complaint under Section 138 of The Negotiable Instruments Act, 1881.
2. Heard advocate for the applicant. In view of ruling of *Hon'ble Jammu and Kashmir High Court reported in Sushant Bakshi Vs. Manju Ghosh 2011, ALL MR (Cri.) JOURNAL 129*, wherein a direct question whether accused is required to be heard in time barred complaint under Section 138 of The Negotiable Instruments Act, 1881 was involved. The Hon'ble High Court in Para 17 to 24 has held that "Condonation of delay essentially a matter between complainant and court. Accused is not required to heard therein".
3. As per the applicant/complainant there is delay of 32 days. The delay caused due to applicant ill & he went to out of town for labour work. The reason for delay is satisfactory. Hence, in the interest of justice to allow the application by passing following order.

ORDER

- 1) The application is allowed.
- 2) Complaint be registered as S.S.C. subjected to penalty of Rs. 500/-.

Indapur
Date : 25/08/2022

Sd/--
(**Khwaja C. Kalal**)
Judicial Magistrate First Class,
Indapur, Tal. Indapur, Dist. Pune.

C E R T I F I C A T E

“ I affirm that the contents of this P.D.F. file order are same word for word as per original order.”

Name of Steno : Shri. Chalwade G.S. (Grade – III)

Court Name : Shri. Khwaja C. Kalal,
2nd Jt. C.J.J.D. & J.M.F.C., Indapur.

Date of Order : 25/08/2022

Order signed by : 25/08/2022
presiding officer on

Order uploaded on : 25/08/2022