

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

Criminal Application No. 1001 Of 2014

Sunil s/o Baburao Mehtre.

....Applicant.

Versus

Charansingh s/o Vithalsingh Takhur.

....Respondent.

Shri. V.C. Soleshe, Advocate for applicant.

Shri. D.M. Shinde, Advocate for respondent.

CORAM : T.V. NALAWADE, J.

DATED : 12th August, 2015.

ORDER :

1. The application is filed for grant of leave to file appeal under section 378(4) of the Code of Criminal Procedure. Heard the learned counsel for the applicant. Seen the order made by learned Judicial Magistrate First Class, Gangakhed, District-Parbhani. Nobody is appeared for the respondent though notice duly served.

2. It appears that the complaint is dismissed under section 256 of the Code of Criminal Procedure and the accused is acquitted. Adjournment application was filed by the present applicant/complainant on the ground that his son was to appear

for CET exam but the application was rejected and complaint came to be dismissed. The cheque was of Rs.30,000/-. In view of these circumstances, this Court holds that leave needs to be granted. So the application is allowed. Leave is granted.

3. The appeal is admitted. Call record and proceedings. Nobody present for the accused, issued notice to respondent/accused. It is made returnable on 22/09/2015. .

[T.V. NALAWADE, J.]

mnp/