

**FARAD CONTINUATION SHEET NO.**  
**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**BENCH AT AURANGABAD.**

|                                                        |                                          |                                             |                            |
|--------------------------------------------------------|------------------------------------------|---------------------------------------------|----------------------------|
| Office Memoranda of appearance, directions and orders. | Notes, of Court's orders and Registrar's | Office Coram, Court's orders or Registrar's | Court's or Judge's orders. |
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CRIMINAL APPLICATION NO. 2185 OF 2015

SOW. MANDAKINI W/O CHHAGANRAO GADEKARS  
VERSUS  
NITIN S/O BHAGCHAND JAIN

...  
Advocate for Applicants : Mr. Ade Ravindra B.  
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**CORAM: T. V. NALAWADE, J.**  
**DATED: 20th JULY. 2015.**

**PER COURT:**

1. The application is filed for grant of leave to file appeal. The complaint is dismissed under section 256 of Cr.P.Code. The order made and the reason show that in a case filed under section 138 of Negotiable Instruments Act the plea was recorded on 21<sup>st</sup> February, 2015 and the case was fixed for giving evidence on 20<sup>th</sup> March, 2015. On that day, when the complainant and his Advocate were absent, the order under section 256 Cr.P.C. came to be made.
2. The learned counsel for the Applicant submitted

that it was the first date and the discretion ought not to have been used in this way by the learned J.MF.C. There is good and arguable case on this point, in view of the aforesaid circumstances. So, the application is allowed.

3. Appeal is admitted.

4. Call R. & P.

5. Notice to Respondent, after admission. It is made returnable on 26<sup>th</sup> August, 2015.

**[T. V. NALAWADE, J.]**

Dt.20/07/2015  
ans/2185