

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.3641 OF 2014

Sandip s/o. Vasant Lambe	.. Applicant
Vs.	
Mahadu s/o. Kannhiram Chavan	.. Respondent

Mr.H.U.Dhage, Advocate for the applicant
 Mr.D.K.Rajput, advocate for respondent – sole

AND

CRIMINAL APPLICATION NO.3639 OF 2014

Sandip s/o. Vasant Lambe	.. Applicant
Vs.	
Mahadu s/o. Kannhiram Chavan	.. Respondent

Mr.H.U.Dhage, Advocate for the applicant
 Mr.D.K.Rajput, advocate for respondent – sole

CORAM : M.T. JOSHI, J.
DATE : 19/11/2015

ORAL ORDER :

Heard Mr.Dhage, learned counsel for the applicant.
 He tenders a true copy of the Roznama maintained by the
 trial court. The same is accepted and marked as "X" for
 the purpose of identification.

2] The record would show that in the proceedings under
 Section 138 of the Negotiable Instruments Act, the
 respondent/accused had remained absent twice and

therefore, non-bailable warrant was issued. The respondent again remain absent and finding that no steps were taken by present applicant/complainant on one date, on the next date, the complaint came to be dismissed in default.

3] Considering all the facts on record, in my view, leave to file appeal needs to be granted. Leave granted in both the applications. Both the applications are allowed and disposed of accordingly. Appeals be registered.

4] The appeals are admitted.

5] By consent of the parties, the appeals are taken up for final disposal.

6] For the reasons forwarded herein above, both the appeals are allowed. The impugned judgments and order passed by learned Judicial Magistrate F.C. acquitting the respondent are hereby set aside.

7] Instead, the proceedings filed before learned Judicial Magistrate F.C. are restored to file. Learned

Judicial Magistrate F.C. is directed to proceed with the proceedings in accordance with law upon appearance of both the parties. Both the parties shall appear before learned Judicial Magistrate F.C. on 5th January, 2016.

[M.T. JOSHI]
JUDGE

kbp