

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 5177 OF 2014

Pathan Yusufkhan Maheboobkhan .. Applicant

Vs.

Pratap S/o Nivrutti Deshmukh .. Respondent

Mr. Shrikrashna B. Solanke, Advocate for the applicant
Mr. J.R. Patil, Advocate for the respondent

CORAM : M.T. JOSHI, J.

DATE : 20/03/2015

ORAL ORDER :

1. Heard both sides.
2. Leave to file appeal is hereby granted. The appeal be registered.
3. The appeal stands **admitted** upon registration thereof.
4. With consent of both sides, the appeal is taken up for hearing.
5. The order of the learned Judicial Magistrate First Class, Latur dated 18/07/2014 would show that the present respondent was accused before him for the

offence punishable under section 138 of the Negotiable Instruments Act. The present appellant-complainant remained absent thrice and in the circumstances, as no steps were taken by appellant, the complaint came to be dismissed. Taking into consideration all the above facts, the appeal deserves to be allowed. Hence, the following order:-

6. The appeal is hereby allowed. The order of the learned Judicial Magistrate First Class, Latur dated 18/07/2014 passed in S.T.C. No. 437 of 2007 is hereby set aside. The complaint is restored to the file of the learned Judicial Magistrate First Class, Latur. Both the parties are directed to appear before the learned Judicial Magistrate First Class, Latur on 20/04/2015 and, thereafter, the learned Judicial Magistrate First Class, Latur to conduct the trial as per the due procedure of law.

7. Criminal Application no. 5177 of 2014 and the appeal are accordingly disposed of.

[M.T. JOSHI]
JUDGE

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