

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 5182 OF 2014

Managing Director,
Shivshakti Cooperative
Sugar Factory Ltd.,
Tandulwadi, Tq Washi,
Dist. Osmanabad

(Through Vitthal Adinathrao Chede

Age : 31 Occu. : service

R/o Washi, Tq. Washi

Dist. : Osmanabad)

.. Applicant

Vs.

1] Mustafa Usmankhan Pathan,
Age : 58 Occu. : Business,
R/o Khatik Galli,
Near Nilanga Wes,
Ausa, Tq. Ausa,
Dist. Latur

2] The State of Maharashtra

.. Respondents

Mr. Sushant B. Choudhari, Advocate for the applicant

None present for the respondent no.1 though served

Mr. N.T. Bhagat, A.P.P. for the respondent-State

CORAM : M.T. JOSHI, J.

DATE : 04/12/2015

ORAL ORDER :

Heard learned counsel for the applicant and the
learned A.P.P. None appears for the respondent no.1,
though duly served.

2. Perused the Roznama maintained by the learned Judicial Magistrate First Class, Washi, who has dismissed-in-default the complaint of the present applicant. The Roznama would show that continuously, the present applicant/original complainant has taken steps for issuing non-bailable warrant against the respondent no.1. The Police however did not return the same. Ultimately, when on two occasions the complainant remained absent, the complaint was dismissed-in-default.

3. Considering all these facts on record, leave to file appeal is hereby granted.

4. Criminal Application is accordingly allowed and disposed of.

5. Appeal be registered as per due procedure of law.

6. Upon registration, the appeal stands admitted.

7 Preparation of the paperbook is dispensed with.

8. The learned Judicial Magistrate First Class, Washi is directed to make compliance of the provisions

of section 390 of the Code of Criminal Procedure.

9. Respondent - Mustafa Usmankhan Pathan be released on bail, in case he undertakes to appear in this Court on the next date and regularly thereafter, by executing P.R. bond in the amount of Rs. 20,000/- (Rs. Twenty Thousand) and also upon furnishing surety in the like amount in the trial Court.

10. The learned Judicial Magistrate First Class, Washi accordingly to forward the report of the compliance of the same.

11. Notice upon admission of the appeal be also issued, returnable on 14/01/2016.

12. Besides the regular notice, private notice by registered post acknowledgment due is also allowed.

[M.T. JOSHI]
JUDGE

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