

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO. 428 OF 2013

Indira Gandhi Nagari Sahakari
Patsanstha Shrigonda

Applicant

V E R S U S

Malang Babulal Inamdar and others

Respondents

Mrs. Rashmi Kulkarni, Advocate, i/b Mr. D.B. Rode
and Mr. S.S. Kulkarni, Advocates for the applicant
Mr. N.T. Bhagat, Advocate, [appointed] for
respondent no.1
Mr. S.R. Palnitkar, APP for respondent no.2/State

CORAM : M.T. JOSHI, J.

DATE : 24TH APRIL, 2015

PER COURT :

1. Heard both sides.

2. The record would show that since the present appellant/complainant failed to appear in its complaint-case filed for the offences punishable under Section 138 of the Negotiable Instruments Act and under Section 420 of the Indian Penal Code, the complaint-case came to be dismissed by the learned Judicial Magistrate, First Class, Shrigonda.

3. The record would show that the present complainant was regularly present, however the matter was adjourned from time to time. He failed to appear for three dates, and therefore, the complaint came to be dismissed. The complainant was prosecuting the case for more than eight years from the year 2004. In the circumstances, the following order :-

O R D E R

- A] The appeal is allowed.
- B] The dismissal of the complaint is hereby set aside.
- C] R.T.C. No. 71 of 2004 on the file of learned Judicial Magistrate, First Class, Shrigonda, is hereby restored.
- D] The respondent, who is in jail, be released forthwith.
- E] Both the parties to appear before the learned Judicial Magistrate, First Class, Shrigonda, on 17th June, 2015.
- F] Office to communicate present order to the respondent who is in jail.

G] Since Advocate Shri N.T. Bhagat, was appointed through the High Court Legal Services Sub-Committee, at Aurangabad, his fees is quantified at Rs.5,000/-.

H] The appeal is accordingly disposed of.

(M.T. JOSHI, J.)

SRM/24/4/2015