

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**Criminal Application No.6788 of 2013
In
Criminal Application No.6787 of 2013**

Shri Rameshwar Sahakari Sakhar
Karkhana Ltd. Raosaheb Nagar,
Siporabazar, Taluka Bhokardan. .. **Applicant.**

Versus

Ram s/o. Chagan Jawale. .. **Respondent.**

Shri. Pradeep B. Salunke, Advocate, for applicant.

Respondent - served - absent.

CORAM: T.V. NALAWADE, J.

DATE : 7th AUGUST 2015

ORDER:

1) The application is filed for condonation of delay of 49 days caused in filing proceeding under section 378(4) of the Code of Criminal Procedure, 1973. The respondent is served but nobody has turned up. In view of the contents of the application and the submissions made this Court holds that sufficient cause is shown. The application is allowed. Delay is condoned.

2) Civil Application No.6787 of 2013 is filed for grant of leave under section 378(4) of the Code of Criminal Procedure, 1973 to file appeal against the order made by the learned Judicial Magistrate, First Class, Bhokardan in S.T.C.No.835/2007. The complaint was filed under section 138 of the Negotiable Instruments Act. As the steps were not taken it came to be dismissed under section 256 of the Code of Criminal Procedure. The complainant is a cooperative institution. In view of these circumstances the application is allowed. Leave is granted.

3) The appeal is admitted. Notice after admission, made returnable on 7th September 2015. Call Record and Proceeding.

Sd/-
(T.V. NALAWADE, J.)

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