

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.893 OF 2014

The State of Maharashtra	 Petitioner
Vs.	
M/s. Astec Chemicals Pvt. Ltd.,	
& Others	 Respondents

Ms Anamika Malhotra, APP, for the Petitioner-State.
Mr. Sandip Manohar Salvi for Respondent Nos.1 & 2.

CORAM: A.V. NIRGUDE, J.

DATED: NOVEMBER 23, 2015

P.C:

1. This writ petition challenges an order dated 19-4-2013 passed by the learned Judicial Magistrate, First Class, Kalyan, District Thane, dismissing the petitioner's complaint in default.

2. The complainant is an Insecticide Inspector, appointed under the provisions of the Insecticides Act, 1968. He had filed a complaint before the learned Magistrate in 2007 for

alleged contravention of certain provisions of the said Act and Rules framed thereunder against the respondent/accused. On 19-4-2013, the learned Magistrate dismissed the complaint mainly because the complainant remained absent throughout the day, though the case was called out repeatedly during the course of the day.

3. Having regard to the seriousness of the allegations made against the accused, it was necessary both for the complainant as well as the learned Magistrate to get the case decided on merits, as soon as possible. The case remained pending from 2007 to 2013, without any progress.

4. The learned APP assured the Court that the complainant would now attend the case diligently. On such assurance being given to this Court, I am inclined to allow this petition and restore the Court case.

5. The impugned order is set aside. Court Case No.2152

of 2007 stands restored to the file of the Learned Judicial Magistrate, First Class, Kalyan, District Thane. The parties shall appear before the learned Magistrate on 14-12-2015.

6. The petition accordingly stands disposed of.

(A.V. NIRGUDE, J.)