

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY:**  
**NAGPUR BENCH : NAGPUR**  
**Criminal Application [APPA] No. 137 of 2015**  
**IN**  
**Criminal Appeal No. \_\_\_\_\_ of 2015**  
**[M/s. Taori Mktg. Vs. Khushal Sudhakar Dongre & another]**

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Office Notes, Office Memoranda of  
Coram, appearances, Court's orders  
or directions and Registrar's orders.

Court's or Judge's orders

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Ms. Dilip Dani, Adv., for the Applicant.  
Mrs. Deshmukh, APP for respondent no.2.

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**CORAM : V.M. DESHPANDE, J.**

**DATE : 15th September, 2015.**

This is an application for leave to file appeal since the proceeding filed on behalf of the applicant for the offence punishable under Section 138 of the Negotiable Instruments Act was dismissed by the learned Trial Magistrate.

This Court has already issued notice to the respondent no.1 [original accused] on 19th June, 2015. The order dated 4th September, 2015 shows that though the respondent no.1 was served, there was no representation on his part. Therefore, this Court granted time to give an opportunity to the respondent no.1 to put the appearance and contest the present proceedings. However, in spite of such opportunity

nobody is appearing on behalf of the respondent no.1.

Heard Mr. Dani, learned counsel for the applicant. He invited my attention to the answers given by the respondent no.1 when his statement under Section 313, Criminal Procedure Code, was recorded. It appears from the answers that virtually the respondent no.1 has admitted the entire case of the applicant/original complainant.

The application is allowed. Leave is granted to the applicant to file the appeal. Office is directed to register the appeal.

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**Criminal Appeal :**

Heard.

**Admit.** Call R & P.

**Judge**

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