

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Criminal Application (APPA) No.745 of 2014
(Firoz Khan V/s Elahi Bakhsh and another)

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

Court's or Judge's orders

[Shri C.A. Joshi, Adv for applicant.
 Shri Dhiraj Jain, Adv for resp.no.1.]

CORAM : A.B. CHAUDHARI, J.
DATED : 17.06.2015.

The order under challenge in the present application is dated 24-09-2014 below Exhibit-1 by which the Judicial Magistrate First Class Court No.3 Buldana dismissed the proceedings or complaint filed by the applicant for want of prosecution and thus acquitted the accused person for the offences alleged under Sections 500 and 501 of the Indian Penal Code. The learned Counsel for the applicant invited my attention to the impugned order and states that the complainant could not attend the Court on the date and hence this Court was passed the order finally, the case was dismissed in default.

I have perused the impugned order and heard the learned Counsel for the applicant and the learned Counsel for the respondents. The learned counsel for the respondents submitted that the applicant did not even pay the costs of Rs.200/-. The applicant is the Headmaster of the school.

I have heard the learned Counsel for the rival parties.

The applicant had made application in advance stating therein that he would be busy till November due to school examinations and Court may adjourn the proceedings further, however, short dates were given. In this situation, I think the purpose will be served if the applicant is awarded costs of Rs. 500/- to be paid to the respondents. Hence, I pass the following order :

Order

A] Criminal Application (APPA) No.745 of 2014 is allowed.

B] Order dated 24-09-2014 passed by J.M.F.C 3rd Court, Buldana, is quashed and set aside.

C] The applicant shall pay the costs of Rs. 500/- to the respondents.

D] The parties shall appear before the trial Court on 21-07-2015 and the trial Judge shall thereafter proceed to record the evidence and complete the trial within a period of six months from the date of appearance of the parties before the trial Court.

JUDGE

Deshmukh