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

CRIMINAL APPLICATION NO. 919 OF 2016

Dharasur Mardini Nagari Sahakari
Patsanstha Ltd., Osmanabad

..APPLICANT

VERSUS

Hirachand s/o Deorao Shinde

..RESPONDENT

Mr V. B. Deshmukh, Advocate for applicant;
Mr M. B. Kolpe, Advocate for respondent

CORAM : N.W. SAMBRE, J.

DATE : 21st JUNE, 2016

ORDER :

Having heard learned Counsel for sometime, it is noted that the learned Judicial Magistrate First Class, Osmanabad, by an order dated 01/10/2015 has dismissed the complaint preferred by the applicant under Section 138 of the Negotiable Instruments Act, as present applicant has failed to adduce any evidence in support of his claim, though sufficient chances were granted to him.

2. Learned Counsel for the applicant submit that as there was change of advocate and in view of communication gap, the matter could not be worked out.

3. Learned Counsel for respondent opposed the application on

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the ground that thirteen chances were granted to the applicant to adduce the evidence.

4. In my opinion, in the interest of justice, it will be appropriate to set aside the order dated 01/10/2015 dismissing the complaint and accordingly is set aside, subject to the payment of costs of Rs. 10,000/- (Rs. Ten Thousand) to be paid by the applicant to respondent, within two weeks before the learned Magistrate.

5. An undertaking is given by the applicant that he shall co-operate the learned Magistrate in expeditious disposal of complaint. Failure on the part of applicant to co-operate Magistrate may entail the Magistrate to pass such order as he deem fit.

6. Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

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