

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

CRIMINAL APPLICATION NO. 884 OF 2015

VAZIR SHAHBUDDIN SAYYED
VERSUS
MADHUKAR @ MADHUSUDAN RAMCHANDRA MULE

...
Advocate for Applicant : Mr. Mahesh K. Bhosle, h/f Mr. Parag Vijay Barde.
...

CORAM : **INDIRA K. JAIN, J.**

DATE : 14th March, 2016.

P.C.:

. Heard Mr. Mahesh K. Bhosle, holding for Mr. Parag Vijay Barde, learned counsel for Applicant. None for Respondent.

2 Perused order dated 29th January, 2015, passed by learned Judicial Magistrate First Class, Ashti in Criminal Case No.606 of 2010, dismissing complaint under Section 138 of the Negotiable Instruments Act for absence of Complainant.

3 It appears on perusal of Roznama that Complainant was absent for a long time. This Court therefore, technically does not find error in the impugned order. However with a view to give fair opportunity to the parties and to avoid denial of justice, order dismissing the complaint needs to be set aside. Hence the following order :

ORDER

- I. Criminal Application No.884 of 2015 is allowed.
- II. Impugned order dated 29th January, 2015, passed by the learned Judicial Magistrate First Class, Ashti in Criminal Case No. 606 of 2010 is quashed and set aside subject to cost of Rs.2,000/- (Rupees Two Thousand Only).
- III. Criminal Case No.606 of 2010 is restored to the file of the learned Magistrate and the same shall be disposed of in accordance with the law.
- IV. Cost if deposited, shall be credited to High Court Legal Services Sub Committee, Aurangabad.

[INDIRA K. JAIN, J.]