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

**CRIMINAL APPLICATION NO. 1708 OF 2015
IN
CRIMINAL APPLICATION NO.1707 OF 2015**

Sau. Rekha w/o Bhagwat Patil

..APPLICANT

VERSUS

Bhagwat s/o Anantrao Patil & ors.

..RESPONDENTS

Mr S.S. Thombre, Advocate for applicant;
Mr A.N. Nagargoje, Advocate for respondents no.1 to 3 and 7 to 9;
Mr D.V. Tele, Addl. Public Prosecutor for respondent no.10

CORAM : N.W. SAMBRE, J.

DATE : 17th March, 2016

ORDER :

Heard learned Counsel for the respective parties.

2. The order impugned in the present application is dated 3rd February, 2011, passed by the Chief Judicial Magistrate, Beed, in a complaint preferred by the petitioner, dismissing the same for default and discharging the respondents-accused under section 249 of the Code of Criminal Procedure. The said order dated 3rd February, 2011 is questioned on the ground that the applicant was not aware about the said issue of dismissal and the blame was tried to be shifted on the Lawyer, as according to the applicant the Lawyer has not informed her about the same.

3. The nature of proceedings as were initiated by the applicant, who is presently posted as Police Constable is, the respondents-accused have

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committed an offence punishable under sections 494, 109 read with section 34 of the Indian Penal Code. The complaint came to be initiated on 7th January, 2005 and it appears that the same has not proceeded further.

4. The order of dismissal in default came to be passed on 3rd February, 2011, whereas the applications seeking leave to appeal and condonation of delay came to be moved on 30th January, 2015. There is hardly any explanation coming forward, but for the statement that the Lawyer has failed to inform about the decision.

5. There is no communication whatsoever placed on record, issued by the applicant to the Lawyer, demonstrating his default in communication the order. The plea for condonation of delay on above referred ground, in my opinion, does not call for any consideration. The approach on the part of the applicant is too callous. The applicant is well aware of the court proceedings, being working as a Police Constable. As such, prayer for condonation of delay stands rejected. Criminal Application, therefore, stands rejected.

(N.W. SAMBRE, J.)

amj