

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

CRIMINAL APPLICATION NO. 2149 OF 2005

M/S PRATIK CONSTRUCTION THR. PROP. RAVINDRA
RAMNIVAS BHUTADA
VERSUS
JAYANTILAL BHANJIBHAI PATEL

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CORAM : V.K. JADHAV, J.

Dated: October 19, 2016

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PER COURT :-

1. None present for the applicant.
2. By order dated 24.2.2006 this Court has stayed the further proceedings in STC No.1137/2005 pending before the Judicial Magistrate First Class, Latur. On 26.9.2016, the learned counsel for the applicant-original accused submitted that during the pendency of said STCC No.1137/2005, the respondent-original complainant had filed a pursis for withdrawal of the complaint and the learned Magistrate has passed certain orders on Exh.1 in the light of the said withdrawal pursis submitted by the complainant. Thus, by order dated 26.9.2016 this Court has directed the Registrar (Judicial) of this Court to find out the present status of the said case and submit report to that effect.
3. The Chief Judicial Magistrate, Latur has now

submitted the report and it appears from the report that said STCC No.1137/2005 has been disposed of by order dated 10.9.2009 in view of the withdrawal of the complaint, present applicant-accused came to be acquitted for the offence punishable under section 138 of the Negotiable Instruments Act vide Section 257 of the Criminal Procedure Code.

4. No purpose would be served by restoring the said complaint since the complainant has himself withdrawn the complaint by withdrawal pursis. The learned Magistrate ought to have seen before passing any order on the withdrawal pursis, whether any stay was operating in the said case or not. However, now the cause for filing present criminal application has been rendered infructuous. Criminal application is accordingly disposed of as infructuous. Criminal Application is disposed of. Rule discharged.

(V.K. JADHAV, J.)

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aaa/-