

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 4297 OF 2015
(Suvidha Nagari Sahakari Patsanstha, Ahmednagar Vs.
Sarojini Gokulrao Salve)

Mr. P.R. Nangare, Advocate for the applicant
Mr. S.S. Jadhavar, Advocate for the respondent

CORAM : M.T. JOSHI, J.
DATE : 24/02/2016

ORAL ORDER :

1. Heard both sides.
2. Aggrieved by the dismissal of the complaint filed by the present applicant for the offence punishable under section 138 of the Negotiable Instruments Act and the consequential acquittal of the respondent, by the learned Judicial Magistrate First Class, Ahmednagar vide order dated 06.05.2014 passed in S.T.C. No. 3816/2008, the original complainant wants to file an appeal and hence, the present application for grant of leave to file appeal is filed.
3. The record of the learned Judicial Magistrate First Class would show that for years together, the

respondent remained absent in the proceeding. Time and again, therefore, the applicant/complainant was required to pray for issuance ofailable warrant or non-ailable warrant. The police officer, however, even did not bother to file the report. Ultimately, the respondent appeared on 21st January, 2014. The learned Judicial Magistrate First Class has again released him on bail. Thereafter, on three occasions, the complainant and his Advocate remained absent.

. Thereafter, however, on 16th April, 2014, the Advocate for the complainant remained present and sought to file the documents. On the next dates i.e. 25th April, 2014 and 6th May, 2014, he remained absent and hence, the complaint came to be dismissed.

4. Considering the fact that the present applicant/complainant was prosecuting his complaint since the year 2010, leave to file appeal is hereby granted. Office to register the appeal.

5. Consequently, for the reasons earlier forwarded, the appeal stands allowed. The order dated 6th May, 2014, passed by the learned Judicial Magistrate

First Class, Ahmednagar in S.T.C. No. 3816/2008 is hereby set aside. The complaint is restored to the file of Judicial Magistrate First Class, Ahmednagar. Both the parties are directed to appear in the trial court on 31st March, 2016.

6. The parties to act on authenticated copy of this order.

[M.T. JOSHI]
JUDGE

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