

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.263 OF 2015

(For Leave to Appeal – Private)

Sonhira Sahakari Sakhar Karkhana Ltd. ... **Applicant**

V/s.

Daryappa Tammaraya Teli & Anr. ... **Respondents**

.....

Mr.Mahindra B. Deshmukh, Advocate for the Applicant.

Manjiri Parasnis, Advocate for the Respondent No.1.

Mr.Y.M.Nakhwa, APP for the Respondent/State.

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CORAM : A.M.BADAR J.

DATED : 20th DECEMBER 2017.

P.C. :

1 Heard the learned Advocate appearing for the parties.
Perused the impugned Judgment and Order.

2 It appears that the complaint was dismissed for totally irrelevant consideration by the learned trial Magistrate. The impugned judgment and Order is *prima facie*, contrary to law. The application, therefore, deserves consideration. Hence, the Order :

(i) Leave, as prayed, is granted.

- (ii) Application memo be treated as memo of appeal.
Necessary amendments be carried out.
- (iii) The appeal is admitted.
- (iv) Issue notice to respondents. The learned Advocate appearing for the respondent No.1 waives notice. The learned Additional Public Prosecutor waives notice for the respondent No.2/State.
- (v) Call for Record and Proceedings.
- (vi) In the meanwhile, action under Section 390 of the Code of Criminal Procedure before the trial Court.

(A.M.BADAR J.)