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

CRIMINAL APPLICATION (APPA) NO. 545 OF 2016

Shri Moreshwar s/o Shankar Madankar,
Aged about 55 years, Occ: Service,
R/o. Plot No.8, Durga Nagar,
Behind Manewada Road Post Office
Manewada Road, Nagpur
Tah. & Distt. Nagpur
(Police Station : Hudkeshwar,
Nagpur)

..APPLICANT

VERSUS

Shri Suresh s/o Dyaramji Babulkar,
Aged about Major, Occ: Agri.,
R/o. Tinkheda (Bindargaon)
Post. Tinkheda, Tah. Narkhed,
Distt. Nagpur
(Police Station Narkhed,
Dis. Nagpur)

..RESPONDENT

Mr D.B. Walthare, Advocate for applicant;

CORAM : N.W. SAMBRE, J.

DATE : 17th MARCH, 2017

ORAL ORDER :

By order dated 5th July, 2016, learned
Judicial Magistrate, First Class (Court No.27),
Nagpur dismissed the complaint of the present
applicant under Section 256 of the Code of Criminal
Procedure, for want of prosecution and acquitted
the accused, as such, present application.

(2)

2. The respondent though served, none appears.

3. Perused *roznama* in the aforesaid complaint case. The contents of *roznama* since are not readable, it is difficult to infer that present applicant could be blamed for non appearance in the complaint. Apart from above, the claim put forth in the present application is not objected by the respondent.

4. An undertaking is given by learned Counsel for the applicant that the applicant shall regularly attend the said complaint, if restored.

5. In view thereof, it will be appropriate, in my opinion, to set aside the order dated 5th July, 2016 dismissing the complaint.

6. The complaint being Summary Criminal Case No. 16847 of 2014 (Moreshwar vs Suresh) stood restored to the file of learned Judicial

(3)

Magistrate, First Class (Court No.27), Nagpur.

7. Criminal Application stands disposed of.

(N.W. SAMBRE, J.)

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