

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL LEAVE APPLICATION NO. 249 OF 2013

Shri Tejubhai Isardas LalwaniApplicant.

Vs.

Mr. Mansing Anandrao Patil & Anr.Respondents.

Mr. U.R. Mankapure i/by Mr. R.A. Naik for the Applicant.

Mr. V.V. Gangurde, APP for the Respondent-State.

CORAM : A. S. GADKARI, J.

DATE : 13th MARCH, 2018.

P.C.:-

This is an Application under Section 378 (4) of the Code of Criminal Procedure for leave to file Appeal against the order dated 28th October, 2005 passed by the learned Chief Judicial Magistrate, Sangli in SCC No. 284 of 1998 below Exhibit 1, thereby dismissing the complaint under Section 256 of Cr. P. C.

2 Heard Mr. Mankapure, the learned counsel appearing for the Applicant at length. Perused the record.

3 The record indicates that the Applicant/Complainant had filed the said complaint i.e. SCC NO. 284 of 1998, under Section 138 of the Negotiable Instruments Act, before the Chief Judicial Magistrate, Sangli on 2nd March, 1998. The Applicant did not take

effective steps to procure the presence of the Respondent-accused till 9th March, 2004. On an Application being made by the Applicant on 9th March 2004, the Trial Court issuedailable warrant against Respondent No.1. It further appears that till the date of passing of the impugned order i.e. till 28th October, 2005, the Applicant did not take any requisite and necessary steps to secure the presence of the accused and therefore, the Trial Court was pleased to dismiss the Complaint under Section 256 of the Cr.PC.

4 A perusal of record would clearly indicate that since the date of filing of the Complaint, the Applicant was not serious enough in pursuing with the same and therefore, the Trial Court was constrained to dismiss the same on 28th October, 2005.

5 After perusing the record, this Court is of the considered view that there is no error either in law or on facts committed by the Trial Court in the impugned Order.

6 Application is accordingly rejected.

(A.S. GADKARI, J.)