IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL LEAVE APPLICATION NO. 250 OF 2013

Shri Tejubhai Isardas Lalwani ….Applicant.
Vs.
Mr. Mansing Anandrao Patil & Anr. ….Respondents.

Mr. U.R. Mankapure i/by R.A. Naik for the Applicant.
Mrs. V.S. Mhaispurkar, APP for the Respondent-State.

CORAM : A. S. GADKARI, J.
DATE : 18th April, 2018.

P.C.:-

1. This is an Application under Section 378 (4) of the Code of Criminal Procedure for leave to file Appeal against the order dated 29th August, 2005 passed by the learned Chief Judicial Magistrate, Sangli in SCC No. 283 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. 283 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 since long. On an Application filed by the Applicant, the Trial Court issued bailable warrant against Respondent No.1. It further appears that till the date of passing of the impugned order i.e. till 29th August, 2005, the Applicant did not take any effective 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.P.C.

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 it and therefore, the Trial Court was constrained to dismiss the same on 29th August, 2005 by the impugned Order.

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 while passing the impugned Order.

6 Application is accordingly rejected.

(A.S. GADKARI, J.)