

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.46 OF 2015

M/S.BHARAT ENTERPRISES

)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA AND ANR.)...RESPONDENTS

Mr.Kamlesh Jain, Advocate for the Applicant.

Mr.S.V.Gavand, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 25th JUNE 2018

P.C. :

1 Despite service, respondent no.2/original accused failed to appear.

2 Heard the learned counsel appearing for the applicant/original complainant and perused the impugned order by which the complaint for the offence punishable under Section 138 of the Negotiable Instruments Act came to be dismissed for want of prosecution. Hence the following order :

ORDER

- i) Leave, as prayed, is granted.
- ii) Issue notice before admission to respondent no.2 indicating that the appeal shall be heard finally at the stage of admission itself.
- iii) The learned APP waives notice for respondent no.1/State.
- iv) The applicant to effect necessary amendment in the Memo of Application for leave in order to consider it as Memo of Appeal.
- v) Call for Record and Proceedings.
- vi) Notice is made returnable on **23rd July 2018.**
- vii) In addition to regular mode of service, private service is allowed.

(A. M. BADAR, J.)