

*Nalawade*FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 84 OF 2018
Sankalp Enterprises vs. Nageen K. Patil and anr.

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Anilkumar Patil for the Applicant.

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

CORAM : A.S.GADKARI, J.

DATE : 03rd May, 2018

P.C.

1. This is an application under Section 378(4) of the Cr.P.C. against the Order dated 3.2.2018 passed below Exh.1 in SCC No.3318/204 by the learned 10th Judicial Magistrate First Class, Nashik thereby dismissing the complaint of the applicant under Section 256 of the Cr.P.C. and acquitting the respondent No.1 for an offence punishable under Section 138 of the Negotiable Instruments Act.

2. Heard Shri. Patil, the learned counsel for the applicant, Shri. Jain for respondent No.1 and the learned APP. Perused the record.

3. The record indicates that the applicant had filed a complaint under Section-138 of the Negotiable Instruments Act on 28.7.2014 before the Trial Court. The said matter was

pending before the Trial Court for cross examination of the complainant since 23.5.2017. That, the evidence of the applicant was already discarded by the Trial Court by its order dated 22.11.2017. The applicant consistently remained absent before the Trial Court on more than 12 occasions and therefore, the Trial Court by the impugned Order dated 3.2.2018 was pleased to dismissed the complaint under Section 256 of the Cr.P.C.

4. The record clearly indicates that the applicant was not diligent enough in prosecuting the complaint filed by him and consistently remained absent before the Trial Court and therefore, the Trial Court was constrained to dismiss the complaint under Section 256 of the Cr.P.C.

5. After perusing the record, this Court is of the opinion that the view adopted by the Trial Court is a reasonable and probable view in the facts and circumstances of the case. There is no error in the impugned order dated 3.2.2018. No case for restoration of the said complaint is made out.

6. No case for grant of leave is made out.

7. Application is accordingly rejected.

(A.S.GADKARI, J.)