

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO. 119 OF 2018**

Maharashtra Shetkari Seva Mandal  
Trimbakrao Shejwal Institute of  
Technology (Polytechnic)

....Applicant.

Vs.

Bajirao Ghorpade & Anr.

....Respondents.

Mr. Rohan Sonawane for the Applicant.

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

**CORAM : A. S. GADKARI, J.**

**DATE : 19<sup>th</sup> APRIL, 2018.**

**P.C.:-**

This is an Application under Section 378 (4) of Cr. PC. for leave to file Appeal against the Order passed below Exhibit 1, dated 20<sup>th</sup> January, 2018, by the learned Judicial Magistrate, First Class, Manmad (City Court) in S.C.C. No.373/2013 under Section 256 of Cr.PC. thereby, acquitting the Respondent No.1 from the offence punishable under Section 138 of the Negotiable Instruments Act, 1881.

2            Heard the learned counsel for the Applicant and the learned APP. Perused the record.

3            The record indicates that, the Applicant's representative

did not remain present before the Trial Court at least on five consecutive occasions and therefore, the Trial Court was pleased to dismiss the said Complaint. It is to be noted here that, the Applicant has filed the said Complaint in the year 2013 and the same came to be dismissed in the year 2018 i.e. after more than 4 years, as the Applicant did not take effective steps to pursue the said Complaint.

4           After perusing the record, this Court is of the opinion that, the Trial Court has not made any error either in law or on facts while passing the impugned order. The view adopted by the Trial Court is a reasonable and probable view in the facts and circumstances of the present case.

No case for grant of leave to file Appeal is made out.

5           Application is accordingly rejected.

**(A.S. GADKARI, J.)**