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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 159 OF 2018

Yuvraj Nivrutti Ghorpade

..Applicant

Vs

Vijay Laxman Pawar & Ors.

..Respondents

Mr. Rakesh Patil for applicant.

Mr. V.V. Gangurde, APP for State.

CORAM : A.S.GADKARI, J.

DATE : 25th APRIL 2018.

P.C.:

1] This is an application under Section 378 (4) of Cr. P.C. seeking leave to file an appeal against the Order dated 14th February 2018 passed below Exhibit-1 in Summary Criminal Case No. 181 of 2016 by the Judicial Magistrate First Class, Kurundwad, District-Kolhapur, thereby acquitting the respondent Nos.1 and 2 under Section 256 of Cr. P.C. from the offence punishable under Sections 500, 501, 502 read with 34 of the Indian Penal Code.

2] Heard the learned Counsel for the applicant. Perused the record.

3] The record indicates that, the applicant had filed the private complaint for the aforesaid offences on 15.2.2015 before the Trial Court. An Order of issuance of process was passed on 9.3.2015. The said complaint was pending for recording evidence before framing of charge since 26.8.2016. Though sufficient opportunity was afforded to the complainant/applicant, he failed to proceed with the said case by taking necessary steps in the matter. The complainant also remained absent before the Trial Court for more than two consecutive occasions and therefore the Trial Court has dismissed the said complaint and acquitted the respondent Nos.1 and 2 by the impugned Order dated 14th February 2018.

4] After perusing the entire record, this Court is of the opinion that, the Trial Court has not committed any error either in law or on facts while passing the impugned Order dated 14th February 2018.

5] No case for grant of leave to file appeal is made out.

Application is accordingly rejected.

(A.S.GADKARI, J.)