

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPEAL NO.386 OF 2008

(M/S. PRATHAM TECHNOLOGY...VS.. DHAMANI CONSULTANTS.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Rajnish Vyas, Advocate for Appellant.

CORAM : Z.A.HAQ, J.

DATED : OCTOBER 29, 2018.

Original complainant has filed appeal to challenge the judgment passed by the learned Magistrate by which the complaint filed by it under Section 138 of the Negotiable Instruments Act, 1881 is dismissed. On 28th January 2009 the appeal is admitted. Office note shows that the respondent is not served with the notice of this appeal. The appeal is pending since 2008 at the stage of consideration of the prayer for grant of leave to file appeal. The appellant has filed Criminal Application (APPA) No.1050 of 2018 praying that it be permitted to serve the respondent by Speed Post Acknowledgment Due.

As the appeal is pending since 2008, I have examined the merits of the matter with the assistance of the learned advocate for the appellant.

The complaint was filed against the proprietorship firm "*Dhamani Consultants, A Proprietary Concern through Its proprietor, Andheri(East), Mumbai.*"

The learned Magistrate has dismissed the complaint recording that the proprietor of the firm is not

impleaded as party to the complaint. In the facts of the case, I find that the learned Magistrate has not committed any error by dismissing the complaint on the ground that the proprietor of the firm is not impleaded as party.

In the facts of the case, in my view, the impugned judgment cannot be faulted with. Hence, the appeal is **dismissed**.

CRI.APPLN.NO. 1050/2018.

In view of disposal of the appeal, the application praying for permission to serve the accused by way of Speed Post A.D. is rendered infructuous. Hence, it is **disposed**.

JUDGE

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