

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

CRIMINAL APPLICATION (APPA) NO.505/2014

IN
CRIMINAL APPEAL NO. _____/2015

Shri Sanjay Khatanmal Jeswani

..Vs..

Vinod S/o Ramaji Darunde

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

Court's or Judge's orders

Shri S.D. Zoting, Advocate for the applicant.

CORAM : Z.A. HAQ, J.

DATE : 27.8.2018.

1. By this appeal, the original complainant has challenged the judgment passed by the learned Magistrate dismissing the complaint filed by the complainant under Section 138 of the Negotiable Instruments Act, 1881. This appeal is pending since 2014. Earlier this appeal was dismissed on 21st September, 2015, however, it was restored. Again the appeal was dismissed for want of prosecution on 30th October, 2017 and again it is restored.

2. The notice of respondent, whose address is not in dispute, could not be served and he is served only after this Court has issued some coercive directions.

3. In spite of service of notice neither the respondent appeared nor is represented by any Advocate.

4. Accepting the explanation given in the application, delay of 80 days in filing the appeal is

condoned. Criminal application is **allowed** accordingly.

5. Office to register the appeal and place it for further consideration / hearing on **11th October, 2018**.

6. Call R. and P.

7. Learned Registrar (J.) to ensure that R. and P. is received by the next date.

8. Fresh notice to the respondent is not required, however, Advocate for the appellant shall send copy of this order to the respondent by speed post acknowledgment due and file affidavit of compliance on record till 6th September, 2018.

JUDGE

Tambaskar.