

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

**CRIMINAL APPEAL NO. 675 OF 2016**

Ravindra Gordhandas Chitalia .... Appellant

Vs.

1. State of Maharashtra
2. Pravin Bhonsle .... Respondents

**ALONGWITH  
CRIMINAL APPEAL NO. 676 OF 2016**

Ravindra Gordhandas Chitalia .... Appellant

Vs.

1. State of Maharashtra
2. Kiran Bhatt .... Respondents

Mr. Hemang A. Jariwala i/by Automa Law for the Appellant in both appeals.

Mr. A.R. Kapadnis, APP for the State.

**Coram : NITIN W. SAMBRE, J.**

**Date : 22<sup>nd</sup> November 2019**

P.C.:

1. Heard learned counsel for the appellant.
2. Perused the entire proceedings, which are produced on record. The complaints came to be dismissed for want of prosecution

resulting in acquittal of the accused. The accused were prosecuted for an offence punishable under Section 138 of Negotiable Instruments Act.

3. I am informed that the complaints at the relevant time were posted for cross-examination and as the complainant remained absent because of his health issue, the complaints came to be dismissed. The learned counsel, on instructions, assures that if remanded, the applicant shall not seek any further adjournment in the matters and shall pursue the complaints for its expeditious disposal. The statement is accepted as an undertaking to this court and the court below.

4. The aforesaid contentions are not controverted by the respondents-accused. Though served have not chosen to appear before this Court.

5. That being so, subject to payment of costs of Rs.5,000/- (separately in each appeal) to be deposited before the Court of Metropolitan Magistrate, 43<sup>rd</sup> Court, Borivali, Mumbai within a period of four weeks from today, the present appeals stand allowed.

6. The orders dismissing complaints passed on 18<sup>th</sup> February 2014 passed by the Metropolitan Magistrate, 43<sup>rd</sup> Court, Borivali, Mumbai in CC NO. 4301795/SS/2007 in Ravindra Gordhandas Chitalia Vs. Pravin Bhonsle and CC NO.4300006/SS/2008 in Ravindra Gordhandas Chitalia Vs. Kiran Bhatt are hereby quashed and set aside.

7. The said complaints cases be restored to the file of the learned Metropolitan Magistrate, 43<sup>rd</sup> Court, Borivali, Mumbai. The learned Magistrate shall cause a fresh notices to the respondents-accused.

8. In case the appellant fails to co-operate with the learned Magistrate in disposal of the complaints, it shall be open to the learned Magistrate to pass appropriate orders in the facts and circumstances of the cases.

9. The appeals stand allowed in above terms.

10. Needless to clarify that it shall be open for the learned Metropolitan Magistrate to deal with the costs to be deposited by the appellants as per his discretion.

( NITIN W. SAMBRE, J. )