

IN THE HIGH COURT OF JUDICATURE AT BOMBAYNAGPUR BENCH, NAGPURCRIMINAL APPLICATION (APPA) NO. 377/2019INCRIMINAL APPEAL NO...../2019(Jaichand Kisansingh Rathod vs. Jitendra Gajanan Champanerkar)

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

Court's or Judge's order

Mr. R.S. Suryawanshi, Advocate for the applicant/appellant

CORAM : MRS.SWAPNA JOSHI, J.

DATED : 8th April, 2019.

Respondent though served, is absent. Heard learned counsel for the applicant.

By means of this Application, the applicant has sought leave to file Appeal against the order dated 17.03.2018 delivered by learned Judicial Magistrate, First Class, Nagpur in Criminal Complaint No.14048/2016 dismissing the complaint.

I have considered the grounds of challenge mentioned in the Appeal and I am satisfied that a case is made out for grant of leave. Hence, leave is granted. Appeal be registered.

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Heard.

Admit. Heard forthwith, in view of the fact that a short point is involved in this matter.

By this Appeal, the complainant has challenged the order passed by learned JMFC dated 17.3.2018 whereby as the

complainant was absent on 17.3.2018, the complaint was dismissed u/s 203 of Cr.P.C.

Learned Advocate for the applicant submits that in fact the matter was settled between the parties outside the court. Since the joint *pursis* was not filed by the complainant and the accused before the court regarding settlement of the matter, the Complaint came to be dismissed. It is submitted that the complainant needs to withdraw the court fees by filing a joint *pursis*. He prays that one more opportunity be given to the complainant to file joint *pursis* before the JMFC.

In view of the fact that the matter is already amicably settled between the parties and only for the court fees the complainant wants to move before the JMFC, in the interest of justice, the appeal needs to be allowed and accordingly it is allowed, subject to the payment of Rs. 500/- to be deposited with the High Court Bar Association Library, Nagpur. The Appeal stands disposed of.

JUDGE

Sahare