

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

Criminal Application (APPA) No.501/2018

Sachin Pasari V Shri Balaji Investment

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

Court's or Judge's orders

Ms R.V. Palaspagar, Adv for applicant.

Shri S.M. Naphade, Adv with Shri P.S. Dhenge, Adv for respondent.

CORAM : S.M. MODAK, J.

DATE : 13-12-2019.

Heard learned Advocate for the applicant.

The order dated 09-11-2017, passed by Amravati Magistrate says about dismissal of the complaint and acquittal of the accused. Power under Section 256 of the Code of Criminal Procedure, 1973 was resorted to. It was passed due to non appearance and non prosecution of the complainant.

The complainant believed upon the advise of his learned Advocate and has not attended the Court. He came to know about this order in the month of May, 2018. Then he realized that his Advocate on record has not attended. That is why there is a delay of 144 days. The parties should not suffer. The reason offered is sufficient. There is no challenge to this averment by way of reply by the respondent. It was not filed. The appellant has already been awarded costs of ₹ 25,000/- for not doing certain compliances. Hence, the following order is passed.

ORDER

- (a) The application is allowed.
- (b) The delay of 144 days is condoned.
- (c) The appeal be registered.

Criminal Appeal No. ____/2019

Heard.

The learned Advocate for the respondent waives notice.

The appellant to serve the copy of the appeal and Special Leave Application on the learned Advocate who is appearing for the respondent.

Stand over to 09-01-2020 for deciding leave to appeal.

JUDGE