

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

Criminal Application [APPA] No.634 of 2019

Shri Vishal Vasant Rao Korde

vs.

Mukul Suresh Dautkhani

 Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.

Court's or Judge's Orders

Shri C.F. Bhagwani, Advocate for the Applicant/Appellant.
Shri S.V. Deshmukh, Advocate for the Respondent.

CORAM : S.M. MODAK, J.
DATE : 19th SEPTEMBER, 2019.

Heard the learned Counsel for the parties.

The Special Court, Nagpur dismissed the complaint by invoking power under Section 256 of the Code of Criminal Procedure. It was for non-appearance of the applicant-complainant. Special leave to file appeal needs to be granted, because the learned Magistrate has wrongly exercised power and not considered the stage at which such power was exercised. The case was fixed for recording of the statement of the accused and the learned Magistrate dismissed the complaint as non-bailable warrant was not served.

Hence, the leave is granted to the applicant to prefer an appeal. The application is allowed and disposed of accordingly.

JUDGE