

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

CRIMINAL APPLICATION (APPA) NO. 1012 OF 2019

M/s Apex Industries, thr. Its proprietor

..vs..

M/s. Sana Timber Depot, thr. Its Owner and anr.

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

Court's or Judge's orders

Shri C.H. Shah, Advocate for applicant/appellant.

CORAM : VINAY JOSHI, J.
DATED : 22/12/2020

Heard.

2. The complainant is seeking for leave to file appeal challenging the order of acquittal in Summary Criminal Complaint No. 6357 of 2016 passed by Judicial Magistrate First Class, Nagpur dated 15.09.2018. The impugned order discloses that for want of taking steps for service on accused it came to be dismissed in default which resulted into acquittal.

3. Learned Counsel for the complainant/applicant would submit that though the complainant was present and taken diligently steps, the complaint was dismissed. Perused the order sheet and rest of the record. It reveals that, Magistrate has issued warrant which was not served. On few dates, the matter was kept for steps. According to complainant, he has filed the applications but there is no reference in Roznama. However, it reveals that though the matter was placed for dismissal, there is no such specific

order on Exhibit 1 which is generally happen. Moreover, the Roznama indicates that on last day complainant was present. The applicants have made out a case for grant of leave to file appeal. Leave granted. The Criminal Application is allowed and disposed of accordingly.

4. Appeal be registered.

CRIMINAL APPEAL NO. _____/2020

Heard.

2. **ADMIT.**

3. Issue notice to respondents, returnable after four weeks.

JUDGE

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