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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 184 OF 2019**

DILIP SAMBHAJI SHIRGAONKAR

....APPLICANT

V/s.

GURULING KAILASH SAMANGADE
AND ANR

.....RESPONDENTS

Mr. Kuldeep U. Nikam for the applicant
None for the respondents

CORAM : NITIN W. SAMBRE, J.

DATE: 29th OCTOBER, 2021.

P.C.:

- 1] Though served none appears for respondents.

- 2] Learned counsel for the applicant-original complainant submits that applicant shall attend the Court of the Magistrate on each and every occasion if an opportunity is given. Statement is accepted as an undertaking.

- 3] Contention of the applicant that though at times applicant has

sought adjournment, matter was even referred to Lok Adalat, so also accused sought adjournment during pendency of the trial is not controverted.

4] In the aforesaid background, order dated 08/03/2019 dismissing the complaint under Section 356 of Code of Criminal Procedure, 1973 is hereby quashed and set aside. Complaint stood restored to file subject to aforesaid condition that applicant-complainant shall attend the proceedings before the Magistrate on each and every date.

5] In case if the applicant-complainant fails to cooperate in trial, the Magistrate shall be at liberty to pass appropriate orders without being influenced by the order of this Court.

6] Application stands disposed of.

[NITIN W. SAMBRE, J.]