

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

APPLICATION FOR LEAVE TO APPEAL BY PVT. PARTY NO.13 OF 2021

Deogiri Nagri Sahakari Pat-Sanstha Ltd.
Through its authorized Officer
Rekha Deepak Pawar

.. Applicant

Versus

Vishal Sitaram Pardeshi and another

.. Respondents

Mr. Dhananjay K. Thote, Advocate for the Applicant.
Mr. P. S. Mehta, Advocate for Respondent No. 1.
Mr. S. W. Munde, APP for Respondent No. 2.

CORAM : KISHORE C. SANT, J.

DATED : 08th DECEMBER, 2022.

P. C. :-

1. This is an application seeking leave to file an appeal against acquittal challenging the order passed by the learned J.M.F.C., Khultabad dated 01.03.2021 in S.C.C. No. 15/2017. The complaint filed by the applicant for the offence punishable under Section 138 of the Negotiable Instruments Act is dismissed for want of prosecution and thus, the respondent No. 1 is acquitted.

2. Mr. Mehta, learned advocate for respondent No. 2 objects to grant of leave to file an appeal stating that the order is already passed considering that on 4-5 times consecutively the appellant remained

absent and did not take any steps in the matter.

3. Considering the fact that, the applicant is a bank and since the cheque was issued against the loan amount, it would be proper to grant leave to file an appeal against acquittal. Hence, the leave is granted.

4. The application is allowed.

5. Office to register the application as appeal.

6. Appeal be admitted.

7. Issue notice to respondents for final disposal. Mr. Mehta, learned advocate waives notice of admission of appeal for respondent No. 1. Learned A.P.P. waives notice for respondent No. 2.

8. Stand over to 12.01.2023.

(KISHORE C. SANT, J.)

PS.B.