

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

**931 APPLN. FOR LEAVE TO APPEAL BY PVT. PARTY NO.40 OF
2021**

**M/S. GREEN APPLE CONVERTORS THROUGH ITS
PROPRIETOR PIYUSH ONKARNATH BHANDARI
VERSUS
M/S. SHRIRAM PAPER PRODCT THROUGH ITS PROPRIETOR
NILESH NARAYAN RANATE**

Mr. R. B. Jajau, Advocate h/f Mr. A. S. Bajaj, Advocate for the
appellant

CORAM : KISHORE C. SANT, J.

DATE : 29th September, 2022

P. C.

1. Heard learned advocate for the appellant. From the roznama he points out that the complaint case was on board on 24-08-2021. On that day, it was adjourned to 08-10-2021. Roznama further shows that on 23-09-2021, the case was placed on board in a special drive. On that day, the complaint came to be dismissed under section 256 of the Code of Criminal Procedure for non appearance of the complainant. It is seen that when the date was fixed as 08-10-2021, the complainant had no reason to make an enquiry before that day. From the roznama it

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apl40.21

does not appear that notice was issued to the complainant that the complaint would be taken in special drive on 23-09-2021. In view of that this is a fit case to grant leave to file appeal against acquittal. Hence, the following order.

ORDER

- a] Application For Leave to Appeal By Pvt. Party No.40 of 2021 is allowed. Leave is granted.
- b] Office to register the appeal.
- c] Appeal be Admitted.
- d] Issue notice to the respondents in appeal.
- e] Appeal be placed for further consideration on 13-10-2022.

[KISHORE C. SANT, J.]