

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

**930 APPLN. FOR LEAVE TO APPEAL BY PVT. PARTY NO.203 OF
2019**

**BHAUSAHEB SAMBHAJI MORE
VERSUS
BHAUSAHEB ASARAM DAHATONDE AND OTHERS**

Mr. Ram B. Deshpande, Advocate for the appellant
Mr. S. E. Shekade, Advocate for the appellant

CORAM : KISHORE C. SANT, J.

DATE : 29th September, 2022

P. C.

1. Heard learned advocate for the appellant for sometime. He is challenging an order dated 16-11-2019, passed by the learned Judicial Magistrate First Class (Court No.2), Ashti in RCC No. 188/2014, thereby disposing of the complaint for absence of complainant and his evidence. The accused persons were discharged under Section 245(2) of the Code of Criminal Procedure.

2. It is a specific case of the applicant that accused persons were remaining absent. Even no cross order was also

passed against the accused persons. Those were set aside.

3. On perusal of roznama it appears that the accused persons were absent on most of occasions by filing exemption applications. The complainant also was absent on some occasions. On the date of order also the complainant was not present, as it was sowing season. The complainant's case is that he is very much interested in prosecuting the complaint. There was no intention to not to prosecute the complaint.

4. After perusal of roznama and hearing submissions, this court is satisfied that a good case is made out to grant leave to file appeal against the acquittal. Hence, the following order.

ORDER

a] Application No.203 of 2019 is allowed. Leave is granted as prayed.

b] Office to register the appeal.

(3)

apeal203.19

- c] Appeal be Admitted.
- d] Advocate Shekade accepts notice of appeal.
- e] Appeal be placed for further consideration in the week commencing from 17th October, 2022.

[KISHORE C. SANT, J.]

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