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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 405 OF 2022

Godavari Urban Co-op. Bank Ltd. ... Petitioner
V/s.
Smt. K.M. Nandini Shenoy and ors. ... Respondents

Mr. A. K. Patil for the Petitioner.
Mrs. M.R. Tidke, APP for the Respondent/State.

CORAM : N.R. BORKAR, J.
DATE : 19 JULY 2022.

P.C.

. This petition takes an exception to the order dated 4 May 2009 passed by the learned Judicial Magistrate (First Class), Nashik.

2. By the impugned order, the trial court dismissed the complaint file by the present Petitioner against Respondent Nos.1 and 2 for the offence punishable under Section 420 of Indian Penal Code.

3. The order impugned reads thus:

“Complainant absent since long. Advocate also absent since long. No steps taken offence punishable U/sec. 420 is compoundable. Hence all accused discharged U/sec. 249 of Cr.P.C. Bail bonds concluded.”

4. To justify absence, the Petitioner has assigned the following reasons in para 7 of the petition:

“7. There is some delay and laches on the part of the Petitioner to prefer the above said Appeal. In fact because of change in management and change in the officers of the concerned department, the track of the proceedings was lost by the Petitioner. In fact from the institution of complaint in year 2003 till 2007 the Complainant as well as its lawyer were present before the Learned Magistrate. However for some unavoidable reason they could not remain present on the date when the impugned order was passed. Thereafter the Learned Advocate could not remain present and also due to oversight could not inform that the said complaint was dismissed.”

5. The reasons assigned are not satisfactory. Apart from it, no reason is assigned for filing the present petition after 11 years. In view of this, no interference is called for in the order impugned. Writ Petition is accordingly dismissed.

(N.R. BORKAR, J.)