

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APPA) NO.30 OF 2021

Nuziveedu Seeds Ltd., through its authorized officer, Manish s/o Madhukarrao Range
Vs.
Pravin Subhash Shirode

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Nikhil Tekade, Advocate for applicant.

CORAM : AVINASH G. GHAROTE, J.
DATE : 20/06/2022

The impugned order dated 26.2.2020 indicates that since the complainant is absent for a long time and the matter was pending, the complaint came to dismissed under Section 256 of the Cr.P.C. (pg.8).

Mr. Tekade, learned counsel for the complainant by inviting my attention to the order sheets, submits that the matter was pending for service of non-bailable warrant upon the accused and the order sheets record the presence of the counsel for the complainant continuously, on account of which, merely on single date i.e. 26.2.2020, though the counsel was absent and the presence of the complainant, considering the stage for which, it was listed, was not necessary, the learned Judicial Magistrate First Class ought not to have passed the impugned order. Though the respondent has been served on the application for leave, none appears,

(2)

7.appa.30.2021

considering what has been said above, a case for grant of leave is made out, in view of which, leave is granted.

Office to register the appeal.

Upon registration of the appeal, issue notice to the respondent, for final disposal at the stage of admission, considering the nature of the impugned order, returnable on 1.7.2022.

The appellant to serve the respondent by all modes permissible in law.

Hamdast granted.

JUDGE

Sarkate