

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

CRIMINAL APPLICATION (APPA) NO.675 OF 2021

IN
CRIMINAL APPEAL NO. _____ OF 2021

Employees State Insurance Corporation Sub Regional Office, Panchdeep Bhavan,
Ganeshpeth, Nagpur through its Social Security Officer Mrs. Anumati Madhukar
Sinnarkar

Vs.

Kamlesh Shah

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

Court's or Judge's orders

Mr. V. G. Palshikar, Advocate for applicant.

Mr. S. V. Bhutada, Advocate for non-applicant.

CORAM : AVINASH G. GHAROTE, J.

DATE : 13/06/2022

This application seeks leave to file appeal to challenge the order dated 04.03.2021 passed by the learned Judicial Magistrate First Class whereby the non-applicant/accused is acquitted under Section 256 of the Code of Criminal Procedure on account of the applicant not having taken steps for effective proceedings. Considering the reasons given, leave is granted, though it is opposed by Mr. Bhutada, learned counsel for the non-applicant.

Criminal Application is accordingly allowed, in view of the reason stated therein. Office to register the Criminal Appeal.

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Issue notice to the non-applicant, returnable forthwith, as Mr. Bhutada, learned counsel waives service of notice for non-applicant.

Mr. Palshikar, learned counsel for the appellant makes a statement that the proceedings shall be concluded insofar as the role of the appellant is concerned, within one month from today. Though Mr. Bhutada, learned counsel for the respondent opposes the appeal, however, considering that the proceedings before the learned trial Court has been dismissed for want of necessary steps, considering the statement of Mr. Palshikar, learned counsel for the appellant, which statement is accepted, the impugned order is hereby quashed and set aside and the matter be remanded back to the learned trial Court to be decided within a period of one month from today. However, considering the delay occasioned there shall be a cost of Rs.5,000/- (Rs. Five Thousand only) payable by the appellant to the respondent within a period of one week from today.

Office to send the Record & Proceeding forthwith.

Criminal Appeal is allowed and disposed of accordingly.

JUDGE