

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

CRIMINAL APPLICATION (APPA) NO.848/2022

Shri Sushil s/o Laxmandas Chandwani

Vs.

Shri Nanak Harichand Lalwani

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

Court's or Judge's orders

Ms Ayushi Dangre, Advocate h/f Shri S.N. Singh, Advocate
for appellant

CORAM : SMT. M.S. JAWALKAR, J.

DATED : 29/09/2022

The present application is filed by applicant for grant of leave to file appeal against the order of acquittal. It is contended that in spite of taking steps to serve the non applicants, the complaint came to be dismissed in default for want of prosecution and accused is acquitted of the accusations made against him. It is pointed out that the matter was transferred to learned 20th Joint Civil Judge, Senior Division and Additional Chief Judicial Magistrate, Nagpur. In view thereof, police officer may not have filed summons on record.

2. I have gone through the contents of the application and heard learned Counsel for the applicant. I find it proper to grant leave in the matter as huge amount is involved in the matter and the complaint is dismissed as the appellant has not taken steps to serve summons to the respondent. It is also a matter to be considered that matter was transferred

from one Court to other Court 4 to 5 times. In view thereof possibility expressed by applicant cannot be ruled out. As such leave is granted.

3. The Registry is directed to register the appeal.

4. After registration of appeal, issue notice to the respondent, returnable within two weeks.

JUDGE

R.S. Sahare