

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

CRIMINAL APPLICATION NO. 25 OF 2020

Santosh Dhondiram Rathod .. Applicant

Versus

Rangnath Bhausing Rathod and another .. Respondents

Mr. S. S. Shinde, Advocate for the Applicant.
Smt. P. V. Diggikar, APP for Respondent No. 2.

CORAM : KISHORE C. SANT, J.

DATED : 10th MARCH, 2023.

P. C. :-

. The present application is seeking leave to file an appeal against acquittal challenging the order passed by the learned J.M.F.C., Court No. 2, Renapur, thereby dismissing the complaint for want of prosecution. The complaint was filed under Section 138 of the Negotiable Instruments Act.

2. Learned advocate for the applicant submits that the amount of the cheque is Rs. 5,50,000/- (Rs. Five Lakh Fifty Thousand only) and thus his valuable right to prosecute the accused is lost. He submits that, the applicant happens to be a labour contractor supplying labour to sugar factories. For this work he was out of State and therefore, could not attend the Court.

3. Though respondent No. 1 is served, he has not appeared before the Court. It seems that, he has no objection to grant leave to file an appeal against acquittal.

4. In view of the same, leave is granted. The present application is thus allowed.

5. Office to register the application as appeal.

6. Issue notice to respondents in the appeal after it is registered, returnable on 06.04.2023.

(KISHORE C. SANT, J.)

P.S.B.