

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

914 APPLN. FOR LEAVE TO APPEAL BY PVT. PARTY NO.6 OF 2022

MAJALGAON SAHAKARI SAKHAR KARKHANA LTD.,
SUNDARNAGAR, DIST. BEED THROUGH MAHADEO DATTATRAYA
GHORPADE
VERSUS
NAVNATH VISHWANATH GORE

...
Advocate for Appellant : Mr. Shrinivas Ambad h/f Mr. S. S. Solanke
....

**CORAM : SANDIPKUMAR C. MORE, J.
DATED : 03/11/2023.**

P. C. :

1. Heard learned counsel for the applicant. Respondent despite service, remained absent.
2. It appears that the complaint under Section 138 of N.I. Act i.e. SCC No.175 of 2016 has been dismissed for want of prosecution under Section 256 of Cr.P.C. due to absence of complainant. As such, keeping in mind, the principle of natural justice, one opportunity needs to be given to the complainant. It appears from the impugned order that the aforesaid case is five years old and the complainant was absent on many occasions. Therefore, certain costs needs to be imposed in respect of such negligent approach. In view of the same, the application stands allowed in terms of prayer clause-B subject to cost of Rs.2,000/- to be paid to the Government Pleader's Library, within a period of two weeks.

3. The appeal of the applicant be registered after removal of office objections, if any.
4. The application is accordingly disposed of.

(SANDIPKUMAR C. MORE, J.)

VS Maind/-