

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

**84 APPLN. FOR LEAVE TO APPEAL BY PVT. PARTY NO.91 OF
2022**

**RENUKA MATA MULTISTATE CO-OPERATIVE URBAN CREDIT
SOCIETY LTD., AHMEDNAGAR THROUGH AUTHORIZED
PERSON
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

Mr. Amol S. Gandhi, Advocate for the applicant
Mr. S. R. Yadav-Lonikar, APP for the respondents/State

CORAM : KISHORE C. SANT, J.

DATE : 07th FEBRUARY, 2023

P. C.

1. This is an application seeking leave to file an appeal against acquittal challenging the order dated 16-11-2019 passed by the learned CJM, Ahmednagar in SCC NO. 846/2011 by which the complaint under Section 138 of the N. I. Act is dismissed for want of prosecution.

2. In spite of service, none appears for the respondent No.2.

3. Learned advocate for the applicant submits that he was in fact attending the matter. However, on the day of order,

he could not remain present due to personal difficulty and warrant was issued to the respondents, returnable on that day. However, on the same day though the warrant was not executed against the respondents the court instead of passing the order on that, dismissed the complaint for want of prosecution.

4. This court thinks that case is made out to grant leave to file an appeal. Hence, leave is granted as prayed for. Criminal application seeking leave to file an appeal stands allowed.

5. Office to register memo as appeal.

[KISHORE C. SANT, J.]

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