

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

**909 APPLICATION FOR LEAVE TO APPEAL BY PRIVATE
PARTY NO.135 OF 2023**

**SHIVAJI SAMBHAJI BODKE
VERSUS
JIVAN RAMESH KHADSE**

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Mr. Taher Ali Quadri, Advocate for the applicant.
Mr. P.G. Gunale, Advocate for the respondent.

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 9th November 2023.

ORDER:-

1. Heard.
2. Issue notice to respondent. Learned Counsel Mr. Gunale causes appearance on behalf of respondent.
3. Heard rival submissions.
4. The applicant /complainant is seeking leave to file appeal against the judgment and order dated 06.04.2023 whereby the respondent/accused has been acquitted from the charge under Section 138 of Negotiable Instruments Act merely because the applicant was not present.
5. The learned Counsel for the applicant submits that mother of applicant had in fact died on the same day when the aforesaid order was passed. Her death certificate is also produced on record which confirms the said fact. In view of

the same, one opportunity needs to be given to the applicant.

As such, application stands allowed and the appeal of the applicant be registered after removal of office objections, if any.

6. The application is accordingly disposed of.

(SANDIPKUMAR C. MORE, J.)