

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

925 APPLN. FOR LEAVE TO APPEAL BY PVT. PARTY NO.225 OF
2018

VISHNU S/O. BALIRAM DHERE
VERSUS
ANKUSH S/O. MANIKRAO DHERE AND OTHERS

...
Advocate for Appellant : Mr. M. D. Gitte

....

**CORAM : SANDIPKUMAR C. MORE, J.
DATED : 18/10/2023.**

P. C. :

1. Heard learned counsel for the applicant. The respondents, who are original accused, despite service in delay application, remained absent.
2. The record shows that the complaint of the applicant / complainant was dismissed vide order dated 18/08/2018 for want of steps i.e. leading evidence before charge. According to the learned counsel for the applicant / complainant he could not lead the evidence due to personal difficulty of himself as well as his advocate. Though the reason mentioned for not leading the evidence is not proper, but considering the principle of natural justice, one opportunity needs to be given to the applicant. The respondents despite service, failed to contest the application and therefore, the application stands allowed and leave as prayed by the

applicant / complainant is granted and the appeal of the appellant be registered after removal of office objections, if any.

3. The application for leave to appeal is accordingly disposed of.

(SANDIPKUMAR C. MORE, J.)

VS Maind/-