

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

APPLICATION FOR LEAVE TO APPEAL NO. 28 OF 2023

Damodar Narayan Chilka

...Applicant

vs.

The State of Maharashtra and Ors.

...Respondents

Mr. Onkar A. Mane - Advocate for the Applicant

Mr. H. J. Dedhia - APP for the Respondent-State

CORAM : S. M. MODAK, J.

DATE : 20th MARCH, 2023

P. C. :-

1. Heard learned Advocate for the Applicant.
2. This Court has already issued notice on 24/01/2023, it is served on the Respondent No. 2 and they have not appeared. Heard learned APP.
3. Considering the facts that the complaint was dismissed for return of non bailable warrant, learned Magistrate was wrong in exercising power under Section 256 of the Code of Criminal Procedure, hence special leave is granted. Appeal is admitted.
4. Application for leave to appeal is disposed of.

[S. M. MODAK, J.]