

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

APPLICATION FOR LEAVE TO APPEAL NO. 39 OF 2021

Hirachand Javerchand Jain

...Applicant

vs.

M/s. Dev Estates Through Its
Proprietor Inderbir S. Kahai and Ors.

...Respondents

Mr. Yashpal Thakur - Advocate for the Applicant

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

CORAM : S. M. MODAK, J.

DATE : 22nd FEBRUARY, 2023

P. C. :-

1. Heard learned Advocate for the Applicant-Complainant.
2. Even though the Court notice report is awaited, the Respondent No. 1 is served as per private notice. Affidavit to that effect is filed on record. There is acknowledgment signed on behalf of the Respondent No. 1. Affidavit is taken on record and marked as 'Annexure-X'. It is treated as proper service. No one has appeared for the Respondent.
3. Perused the Order dated 06/02/2021. The complaint was dismissed for want of giving evidence. Case for grant of special

leave is made out. As it can be very well said that the Complainant has not misused the liberty of not giving evidence in spite of sufficient opportunities. Special leave is granted. Admit the appeal, The special leave application No. 39 of 2021 is disposed of.

[S. M. MODAK, J.]