

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

APPLICATION FOR LEAVE TO APPEAL NO. 110 OF 2019

M/s Interport Global Logistics Pvt. Ltd. Through Prasad Raut	...Applicant
vs.	
Charms Shipping Agencies India Pvt. Ltd. Through Vijay Ranswal and Anr.	...Respondents

Adv. Rajni Mishra i/by Mr. Amit Karkhanis - Advocate for the Applicant
Mr. H. J. Dedhia - APP for the Respondent-State

CORAM : S. M. MODAK, J.

DATE : 03rd MARCH, 2023

P. C. :-

1. Heard learned Advocate for the Applicant/Complainant.
2. Though Court notice is issued, service report of the Respondent No. 1 is awaited. He is served by way of private notice. Affidavit is taken on record and marked as 'Annexure-X'. Track consignment report mentions that item delivery confirmed. It is proper service. No one has appeared on behalf of the Respondent No. 1.
3. Perused the documents file. The complaint was

dismissed for not giving evidence on behalf of the Complainant on 30/01/2019 by learned 33rd Metropolitan Magistrate, Ballard Pier, Mumbai. My attention is invited to the copies of the Roznama. It cannot be said that there is inordinate delay on the part of the Applicant in filing evidence affidavit. Hence special leave is granted. Appeal is admitted.

4. Special leave application is disposed of.

[S. M. MODAK, J.]