

SATISH
RAMCHANDRA
SANGAR

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

Digitally signed by
SATISH RAMCHANDRA
SANGAR
Date: 2023.01.04
18:35:13 +0530

**INTERIM APPLICATION NO. 2533 OF 2021
IN
APPLICATION FOR LEAVE TO APPEAL (PVT.) (ST) NO. 11081 OF 2021
WITH
INTERIM APPLICATION NO. 2524 OF 2021
IN
APPLICATION FOR LEAVE TO APPEAL (PVT.) (ST) NO. 11100 OF 2021**

M/s. New Age Fire Protection Industries Pvt. Ltd. ... Applicant

Versus

The State of Maharashtra and Anr. ... Respondents

Mr.Shashikant Chaudhari a/w Mr.Avinash Undhare i/b. Mr.Sanjay
M.Yegurwar, Advocate for the Applicant.

Mr.Y.Y.Dabke, APP for the Respondent No.1 – State.

None for Respondent No.2.

CORAM : S. M. MODAK, J.

DATED : 3rd JANUARY, 2023

P. C. :-

INTERIM APPLICATION NO. 2533 OF 2021 and 2524 OF 2021

1. Heard learned Advocate for the Applicant. Though Respondent No.2 – Accused is served by e-mail, today he is not present. Affidavit of service in support is taken on record and marked as Annexure-A.
2. There is a delay of 53 days' in preferring an Appeal. For the reasons stated in the Application, the delay is condoned and Application is allowed in terms of prayer clause (a). The Appeals be numbered.
3. Accordingly, both the Applications are disposed of.

APPLICATION FOR LEAVE TO APPEAL (PVT.) (ST) NO. 11081 OF 2021
AND
APPLICATION FOR LEAVE TO APPEAL (PVT.) (ST) NO. 11100 OF 2021

4. Heard learned Advocate for the Appellant – Complainant. The Complaint was dismissed due to non appearance of the Complainant by the learned Metropolitan Magistrate, 30th Court, Kurla, Mumbai. It was dismissed for not taking steps to serve the Respondent-Accused.

5. Issue notice to the Respondent-Accused returnable on 6th February, 2023. Additionally, private notice is allowed. Service affidavit be filed. Learned APP waives notice on behalf of Respondent No.1 – State.

(S. M. MODAK, J.)