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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.438 OF 2017

Nira Bhima Sahkari Sakhar Karkhana Ltd.
Through Suresh Sopan Toraskar ... Applicant
Vs.
Dilip Gautam Kare and Anr. ... Respondents

Mr. Ramdas Hake Patil for the Applicant.
None for Respondent No.1-accused.
Mr. Y. Y. Dabke APP for Respondent No.2-State.

CORAM : S. M. MODAK, J.

DATED : 6TH MARCH 2023

P.C:-

1. Heard learned Advocate for the Applicant-complainant.
2. Though Respondent No.1-accused is served, there is appearance but today no one is present for Respondent No.1.
3. Perused order dated 7th July 2017. The case was fixed for return of warrant. The warrant is not returned back, however, the complaint was dismissed for not taking steps by the complainant. Learned Advocate for the Applicant relied upon the judgment in case of *Govindji Trikamdas and Company Vs. State of Maharashtra and Others*¹. The complainant cannot be blamed for non service of warrant by police. The case for special leave is made out.

¹ 2016 ALL MR (Cri.) 2827

4. Special leave is granted.
5. Appeal is admitted.
6. Considering limited controversy, the Appeal can be disposed of finally on the next date. Learned Advocate for the Applicant to serve learned Advocate for Respondent No.1-accused about this order.
7. Matter be kept on **27th March 2023**.

(S. M. MODAK, J.)