

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

**INTERIM APPLICATION NO. 4581 OF 2022
IN
APPLICATION FOR LEAVE TO APPEAL (ST) NO. 22002 OF 2022**

Devendra Kumar Tripathi ...Applicant
vs.
The State of Maharashtra and Anr. ...Respondents

Mr. Aniket S. Yadav - Advocate for the Applicant
Mr. H. J. Dedhia - APP for the Respondent-State

CORAM : S. M. MODAK, J.

DATE : 14th FEBRUARY, 2023

P. C. :-

1. Heard learned Advocate for the Applicant.
2. Impugned order was pronounced on 12/08/2022 by the Court of 8th Jt. CJJD and JMFC, Belapur, Navi Mumbai in Summary Case No. 2596 of 2017. The complaint was dismissed under Section 256 of the Code of Criminal Procedure for not taking steps by the Complainant.
3. There is a delay of 35 days in preferring an appeal. Though Court has not issued notice, there is a private service on the

Respondent No. 2. Affidavit is filed. Track consignment report is there. Affidavit is taken on record.

4. Applicant was ill and that is why he could not attend the trial court. Medical certificate is filed in leave application. In this application it can be considered a sufficient reason. Hence following order :-

ORDER

- (i) The Interim Application is allowed in terms of prayer clause (a).
- (ii) Interim Application is disposed of.

APPLICATION FOR LEAVE TO APPEAL (ST) NO. 22002 OF 2022

5. The order of the dismissing the complaint is challenged. The delay is condoned. Special leave is sought.

6. Let notice be issued to the Respondent – accused, returnable on 29th March, 2023. Additionally, private notice is allowed and service affidavit be filed before the next date.

7. Matter be kept on **29th March, 2023.**

[S. M. MODAK, J.]