

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APPA) NO. 1095/2022 IN
CRIMINAL APPEAL STAMP NO. 5830/2022

UMESH MAHADEORAO BIJAWA VS VISHAL WASUDEVRao KHAJBAGE

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr Vinay Dahat, counsel for the applicant.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 06/07/2023.

1. Present application is filed along with leave to file the appeal as the complaint filed by the appellant under Section 138 of the Negotiable Instruments Act, 1881 is dismissed.

2. Mr Vinay Dahat, learned counsel for the applicant submitted that present applicant is the complainant, who has filed the complaint under Section 138 of the Negotiable Instruments Act, 1881. Due to the Covid Pandemic situation, the complainant could not remain present. Subsequently, his counsel has also sustained a brain stroke. Therefore, his counsel could not intimate the present applicant, regarding the date fixed before the Court and therefore, the applicant could not remain present. In view of that, complaint is

dismissed under Section 256 of the Code of Criminal Procedure and the non-applicant is acquitted.

3. Learned counsel for the applicant has made out the grounds which shows that, there are arguable points available to the applicant.

4. In view of the above, leave is granted to the present applicant.

5. Issue notice to the non-applicant, returnable after four weeks.

JUDGE