

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT NAGPUR, NAGPUR.

...
CRIMINAL APPLICATION(APPA) No. 976/2022
IN
CRIMINAL APPEAL NO. /2022

Mahesh Satyanarayan Sharma .. Applicant

versus

Vilas Bhagwan Gawai .. Respondent/s

.....
Mr. B. T. Parwe, Advocate for applicant

None for the Respondent
.....

CORAM: ANIL L. PANSARE, J.

DATED : 25th January, 2023

PC:

Perused the order dated 12.08.2022 by which the learned Chief Judicial Magistrate.Washim has dismissed the complaint that was filed u/s 138 of the Negotiable Instruments Act, on the ground that the complainant did not take effective steps to secure the presence of the accused. It appears that NBW was issued on as many as three occasions. Learned counsel for the applicant submits that once the NBW is issued, the duty to arrest a person is upon the police and not on the complainant.

The respondent though served, is absent. Thus, the statements made by the appellant stands uncontroverted. Since there is no opposition from the respondent, and in view of the facts narrated in the instant Application, leave to file Appeal is granted.

The Appeal be registered. Put up the Appeal for admission on 08.02.2023.

[ANIL L. PANSARE, J.]

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