

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

CRIMINAL APPLICATION (APPA) NO. 1125/2017

Ravi s/o Subhash Jain V/s Sutharam Shiva Bramahachari

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

Court's or Judge's Order

Mr. C.F.Bhagwani, counsel for applicant.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 07/08/2023.

1. This appeal is filed against the order passed by the 26th Joint Civil Judge, Junior Division and Judicial Magistrate First Class (Spl. Court 138 of N.I. Act), Nagpur, by which the complaint of the complainant is dismissed under Section 256 of the Code of Criminal Procedure.

2. As per the contention of the appellant, the presence of the appellant was not at all required, as it was fixed for report of the arrest warrant. However, the learned trial Court has completely ignored the said fact and dismissed the complaint erroneously.

3. Heard learned counsel for the applicant. He invited my attention towards the grounds of the appeal and Roznama. The Roznama shows that the criminal case was pending for a report of the execution of the warrant and for steps. The presence of the complainant was not required. Thus, the

learned counsel has pointed out the various arguable points which shows that he has every chance of success in the present appeal.

4. In view of the above facts, leave is granted to file the appeal.

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1. Appeal be registered.
2. Record and Proceeding is already received.
3. Appeal be placed for final hearing after **three weeks**.

JUDGE