KABORAMBA M SANDEEP SINGH
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Item No. 2

IN THE HIGH COURT OF MANIPUR
AT IMPHAL

MC (Crl. A.) No. 2 of 2018
[Ref: Crl. A. No. 3 of 2018]

Pradeep Kumar Mauka

Applicant

Vs.

Bhoraj Nahata; & Anr.

Respondents

BEFORE
HON'BLE THE CHIEF JUSTICE MR. SIDDHARTH MRIDUL

ORDER

19.09.2024

Mr. Serto T Kom, learned counsel, appears on behalf of the applicant through video conferencing.

None appears on behalf of the respondents despite service of notice.

Respondents were set ex-parte *vide* order dated 19.07.2024.

The present application has been instituted under the provision of Sub-Section 4 of Section 378 of Cr.P.C. 1973 seeking leave to appeal against the impugned order dated 19.01.2017 passed by the learned Chief Judicial Magistrate, Imphal West, in Cril. (C) No. 17 of 2016, whereby the respondent/accused was discharged on the ground of non-prosecution and failure of the complainant to appear on the date fixed before the Trial Court.

Mr. Serto T. Kom, learned counsel appearing on behalf of the applicant, asseverates that the failure on the part of the applicant to appear before the Trial Court was occasioned on account of the sudden illness of his counsel and was neither deliberate nor intentional.

The respondents have chosen not to appear in the matter despite service of notice as aforementioned.

In the circumstance, the applicant has been able to make out a good case for grant of leave to appeal and the same is accordingly granted.

The present application is allowed and disposed of.

CHIEF JUSTICE

Sandeep