



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**APPLICATION FOR LEAVE TO APPEAL BY PRIVATE PARTY  
NO.36 OF 2024**

SANJAY S/O KISAN GHOTE  
VERSUS  
VIJAY DIGAMBAR KOLGE

...  
Mr. Amol A. Kokad, Advocate for Appellant  
Mr. Vishnu S. Khanke, Advocate for Respondent  
...

**CORAM : NITIN B. SURYAWANSHI, J.**

**DATE : 11<sup>th</sup> JULY, 2024**

**PER COURT :**

1. This application is filed seeking leave to file Appeal against order of acquittal dated 05/02/2024, passed by learned Additional Chief Judicial Magistrate, Aurangabad, in S.C.C. No.9550/2018.
2. Applicant is complainant in S.C.C. No.9550/2018, filed under Section 138 of Negotiable Instruments Act, against respondent for dishonour of cheque of Rs.2,00,000/-. It is the case of applicant that on 05/01/2024, since he failed to remain present due to miscommunication between him and his advocate, the complaint was dismissed and respondent was acquitted under Section 256 of Code of Criminal Procedure.
3. Considering the fact that applicant was prosecuting the matter before trial Court since the year 2019, he needs to be given a fair opportunity to prosecute his case. Hence the following order:-

**ORDER**

- (I) Application is allowed.
- (II) Special Leave is granted to file appeal.
- (II) Appeal be registered.
- (III) List the appeal for further consideration after two weeks.

**(NITIN B. SURYAWANSHI, J.)**