



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

APPLN. FOR LEAVE TO APPEAL BY PVT. PARTY NO. 111 OF 2023

Dilip Prasadrao Chavan
VERSUS
Sanjay Parmeshwar Somewad

.....
Mr. Vaibhav N. Shinde, Advocate for Applicant
Mr. R.B. Narwade Patil, Advocate for Respondent
.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 28th AUGUST, 2024

ORDER :

1. By this application for leave to file appeal, applicant/ complainant challenges the impugned order acquitting respondent/accused under section 256 of the Code of Criminal Procedure, for want of prosecution.
2. Heard learned advocate for applicant and learned advocate for respondent. Perused the impugned order and documents placed on record.
3. It is the fact that on five consecutive dates, complainant was absent. It is also a matter of record that accused was also absent on three consecutive dates and he had not complied with the direction dated 03.12.2021 given by the learned Trial Court to deposit 20% of the cheque amount.

This is the fit case to grant leave to file appeal. Hence, the following order:

ORDER

- (i) Leave is granted to file appeal against order of acquittal passed by learned Judicial Magistrate, First Class, Himayatnagar in S.C.C. No.69 of 2021.
- (ii) Registry to register the appeal.
- (iii) List the appeal for further consideration on 10.09.2024. Learned advocate for respondent waives service of notice.

**[NITIN B. SURYAWANSHI]
JUDGE**