



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

CRIMINAL APPEAL NO. 534 OF 2024

JAIKIRAN PRABHAJI NAGARI SAHAKARI PATSANSTHA MARYADIT,
PACHORA THROUGH RAJESH CHANDULAL JAIN
VERSUS
SANTOSH CHUDAMAN PATIL

...
Mr. Pushkar S. Shendurnikar, Advocate for Appellant
...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 23rd SEPTEMBER, 2024

PER COURT :

1. This appeal filed under Section 378(4) of Cr.P.C. challenges the order dated 24/09/2018, passed by learned Judicial Magistrate First Class, Pachora, below Exhibit-1 in S.C.C. No.79/2015, thereby dismissing the complaint filed by appellant for want of prosecution and acquitting respondent/ accused.

2. Heard learned advocate for appellant. Though served none appears for respondent/accused. Perused the appeal memo, documents placed on record and the impugned order.

3. It appears from record that after filing of complaint under Section 138 of Negotiable Instruments Act, appellant/ complaint was all along present. However, only because appellant was absent on 24/09/2018, the Trial Court has dismissed the complaint for non-prosecution. Appellant/complainant is co-operative credit society and the public money is involved.

4. In view of the above and so as to give fair opportunity to appellant to prove it's case on merit, the impugned order is hereby quashed and set aside. The matter is remanded back to the Trial Court. Appeal is, therefore, disposed of.

(NITIN B. SURYAWANSHI, J.)