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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO.661 OF 2024

Sustainable Agro Commerical Finance Ltd.,
Through its Authorized Officer
Gajanan Babasaheb Kadam

APPELLANT

VERSUS

Balasaheb Raghuji Kakde

RESPONDENT

.....
Mr. Sudhir K. Chavan, Advocate for the appellant
Mr. C. V. Bodkhe, Advocate for the respondent
.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 7th AUGUST, 2024

ORDER :

1. By this appeal, the appellant - original complainant challenges order dated 22nd March, 2024 passed by learned Chief Judicial Magistrate, Parbhani below Exhibit-1 in S.C.C. No. 363 of 2019, thereby acquitting the respondent - accused.

2. Heard learned advocate for appellant and learned advocate for respondent.

2. Complaint filed by appellant under section 138 of the Negotiable Instruments Act in the year 2019 is dismissed by the Trial Court, for want of prosecution and the respondent - accused is acquitted as per section 256 of the Criminal Procedure Code.

3. It is the case of the appellant that they were trying to settle the dispute amicably and, therefore, no effective steps could be taken for execution of the non bailable warrant issued against the respondent - accused.

4. Learned advocate for respondent -accused strenuously opposed the appeal.

5. Considering the fact that appellant was diligently prosecuting the case since 2019 and taking into consideration the peculiar facts of the case and so as to give fair opportunity to the applicant to prove his case on merits, the appeal is allowed. Impugned order dated 22nd March, 2024 passed by learned Chief Judicial Magistrate, Parbhani below Exhibit-1 in SCC No. 363 of 2019, is quashed and set aside, subject to appellant paying cost of Rs.5000/- to the respondent - accused in the Trial Court, within four weeks from the date of receipt of writ of this order.

6. Trial expedited.

7. Parties shall appear before the Trial Court on 26th August, 2024. Hence, notice for appearance is dispensed with.

**[NITIN B. SURYAWANSHI]
JUDGE**