



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

CRIMINAL APPEAL NO. 766 OF 2024

SAINIK PARIVAR GRAMIN BIGARSHETI SAHAKARI PATSANSTHA
MARYADIT THROUGH SHRI EKNATH SHRIDHAR NIKAM

VERSUS

SHRI. SAGAR MOHAN JADHAV AND ANOTHER

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Mr. Ajit B. Chormal, Advocate for Appellant

Mr. D.B. Bhange, APP for Respondent No.2/State

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 27th AUGUST, 2024

PER COURT :

1. Complaint under Section 138 of Negotiable Instruments Act, filed by appellant is dismissed by learned Additional Chief Judicial Magistrate, Ahmednagar, vide order dated 01/03/2024, passed below Exhibit-1 in S.C.C. No.3372/2023, for want of prosecution and for want of taking steps and respondent No.1 accused is acquitted under Section 256 of Cr.P.C.

2. Appellant was prevented from attending the matter because of call for strike given by the Bar Association. Roznama indicates that on earlier dates when lawyers were on strike, the matter was adjourned. Trial Court, therefore, erred in dismissing the complaint for want of prosecution and for want of taking steps and acquitted the accused.

3. Appellant needs to be given fair opportunity to prove his

case on merits. Impugned order of dismissal of complaint for want of prosecution is, therefore, unsustainable in the light of facts of the present case.

4. The appeal is, therefore, allowed. Impugned order dated 01/03/2024, passed below Exhibit-1 in S.C.C. No.3372/2023, is hereby quashed and set aside.

(NITIN B. SURYAWANSHI, J.)