



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

CRIMINAL APPEAL NO. 962 OF 2022

DEOGIRI NAGRI SAHAKARI PAT-SANSTHA LTD. AURANGABAD
THROUGH ITS AUTHORIZE OFFICER REKHA DEEPAK PAWAR

VERSUS

VISHAL SITARAM PARDESHI AND ANOTHER

...

Mr. Dhananjay K. Thote, Advocate for Appellant

Mr. D.J. Patil, APP for Respondent No.2/State

Mr. A.S. Gandhi, Advocate for Respondent No.1

...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 16th OCTOBER, 2024

PER COURT :

1. Heard.
2. Complaint filed by appellant under Section 138 of the Negotiable Instruments Act, for dishonour of cheque of Rs.34,500/-, is dismissed in default by learned Judicial Magistrate First Class, Khultabad, vide order dated 01/03/2021, passed in S.C.C. No.15/2017.
3. Learned advocate for respondent No.1/accused vehemently opposed the appeal stating that appellant was negligent in prosecuting the matter and Trial Court is justified in dismissing the matter in default.
4. It appears that during Covid lock-down learned advocate for appellant failed to attend the matter and in post Covid

period the impugned order is passed. Taking into consideration the fact that appellant was diligently prosecuting the matter from 2017, fair opportunity needs to be given to appellant to prosecute it's case. Appeal is, therefore, allowed. The impugned order is quashed and set aside and the matter is remitted back to the Trial Court for decision on merits.

5. Parties shall appear before the Trial Court on 25/11/2024. Formal notice in that behalf is waived.

(NITIN B. SURYAWANSHI, J.)