



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

CRIMINAL APPEAL NO. 524 OF 2025

Dr.Shri Vipul Jayantilal Bafna

Age: 49 years, Occupation : Medical Practitioner,

Resident of : C/o. Niramay Hospital,

80 Feet road, Dhule,

District Dhule.

..Appellant

(Ori. Complainant)

Versus

1. Shri Ajay @ Vijay Mohan Polade
Age: 40 years, Occu.: Business.

2. Shri Prakash Mohan Polade
Age: 42 years, Occu.: Business.

Both Residents of : Lane No.7,
Behind Subhash Bose Statue,
Near Mari Mata Mandir, Dhule.

3. Shri Shailendra Bhaurao Sale
Age: 45 years, Occu.: Editor.

4. Shri Yuvraj Deore
Age; 46 years, Occu.: Executive Editor.

5. Shri Narendra Ramnath Jamadar
Age: 46 years, Occu.: Printer,

6. Shri Sunil Ramnath Jamadar
Age: 48 years, Occu.: Resident Editor.

All residents of : Media Tower No.18,
Shriram Colony, Wadibhokar Road,
Deopure, Dhule.

..Respondents
(Orig. Accused)

Advocate for Appellants : Mr. Mukul S.Kulkarni

CORAM : ABHAY S. WAGHWASE, J.

DATE : 15 JULY, 2025

ORDER :-

1. Heard.
2. Record shows that initially leave to file appeal was sought by filing application no.118 of 2023. This Court, vide order dated 14-07-2025, allowed the said leave application and directions were issued to register the appeal after removal of office objections.
3. Record shows that, learned trial Court issued process, thereby issuing summons to the accused. It seems that, accused persons appeared through their Advocate in the month of January – February 2019. Thereafter, the matter was posted for evidence of complainant before charge. That, on 13-12-2022 learned trial Court recorded part evidence of complainant before charge. Then, again the matter was at the stage of recording remaining evidence of complainant for long period. That, during said period the complainant sought adjournments several times. That, some of the adjournment applications came to be allowed by imposing costs and some applications came to be allowed as a last chance. However,

complainant remained absent on several dates. Therefore, finally, on 12-07-2023, complaint came be dismissed for want of prosecution.

4. Learned counsel for the appellant – original complainant submitted that appellant filed a complaint against the accused under Section 500 read with 34 of the Indian Penal Code. That, said complaint was instituted in 2017 and since then, it was duly and diligently prosecuted by complainant. It is fairly submitted that complainant sought adjournments on some dates. That, some adjournments were taken on account of production of documents on record. That, part evidence has already been recorded by the learned trial Court. However, on 12-07-2023, the learned trial Court has dismissed the case for want of prosecution. Learned Counsel prays that, in the interest of justice, the appeal may be allowed.

5. In view of above submissions and in the interest of justice, it would be just and proper to remand the matter back to the learned trial Court, who shall afford opportunity to both sides to adduce their respective evidence and come to its independent conclusion. Hence, I proceed to pass following order :

ORDER

- (i) The appeal is partly allowed.
- (ii) The impugned order dated 12-07-2023 passed by the learned Judicial Magistrate First Class (Court No.5), Dhule in S.T.C. No.2770 of 2017 is quashed and set aside.
- (iii) The matter is remanded back to the trial Court.
- (iv) Parties are directed to appear before the learned trial Court on 28-07-2025.
- (v) The learned trial Judge to give opportunity to both the sides to adduce evidence, conduct trial and decide the matter on its own merits.
- (vi) The appeal is accordingly disposed of.

(ABHAY S. WAGHWASE)
JUDGE