

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO. 262 OF 2013
(For Leave to Appeal- Pvt.)**

Sidhanath Nagari Sahakari Pathsanstha ... Applicant
Versus
Rajendrakumar Marutrao Chormale And Anr. ... Respondents

.....
Mr. Milind Deshmukh, for the Applicant.

Dr. D. S. Krishnaiyer, APP, for the Respondent-State.

.....

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATED : 14th JANUARY, 2025.

P.C.

Heard Mr.Deshmukh, learned Counsel for the applicant.

None for the respondent-original accused.

2 Mr. Deshmukh has invited my attention to the impugned judgment of acquittal rendered by Judicial Magistrate First Class, Dahiwadi on 31st January, 2012, more particularly, to the points for determination wherein the learned Magistrate has returned a negative finding to a point indicating that there was no due and proper service of the notice to the accused. The finding returned by

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the learned Magistrate prima facie appears to be perverse in context with the alleged notice which appears to have been sent on the address furnished by the later. Even the ratio laid down by the Hon'ble Supreme Court in the case of **C.C. Alavi Haji Vs. Palapetti Mohammad (2008 (1) Maharashtra Law Journal Page 44** favours the complainant.

- 3 As such, the special leave to appeal is granted.
- 4 Registry to number the appeal.
- 5 List the appeal for "Final Hearing" on **10th March, 2025**.

[PRITHVIRAJ K. CHAVAN, J.]