

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

**APPLICATION FOR LEAVE TO APPEAL (PVT.) NO.106 OF 2025**

SATISH  
RAMCHANDRA  
SANGAR

Pravin Dayalal Patel

...Applicant/Appellant

Digitally signed by  
SATISH RAMCHANDRA  
SANGAR

V/s.

Date: 2025.06.23  
14:58:06 +0530

Dilip Dhondiba Bhosale and Anr.

...Respondents

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|                       |                                   |
|-----------------------|-----------------------------------|
| Mr.Yuvraj Narvankar:- | Advocate for Applicant/Appellant. |
| Mr.Devashish Wani:-   | Advocate for Respondent No.1.     |
| Mr.C.D.Mali:-         | APP for Respondent No.2-State.    |

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**CORAM : S. M. MODAK, J.**

**DATE : 20<sup>th</sup> JUNE 2025**

**P. C. :-**

1. Heard learned Advocate Shri.Narvankar for the Appellant / Complainant and learned Advocate for the Respondent No.1 / Accused No.1.
2. As per the order dated 8<sup>th</sup> April 2025, delay for filing leave to Appeal is condoned. The same order mentions that the Appeal be registered.
3. By consent, the Appeal is taken up for hearing at an admission stage.

4. Learned Magistrate as per the order dated 10<sup>th</sup> December 2021 has dismissed the complaint for the offence under Section 138 of the Negotiable Instruments Act, 1881 for default. It is a default of complaint. Mr.Narvankar has invited my attention to the notings in the roznama on Page Nos.10 and 11. It suggests, the Respondent appeared on 11<sup>th</sup> May 2018 and was released on PR bond and time was granted to furnish surety. Subsequently, it was neither furnished nor the Accused remained present. That is why, non-bailable warrant was issued.

5. Mr.Narvankar has invited my attention to the new address given on Application on Page No.27. It is different from the address given in the complaint. Learned Advocate for the Respondent No.1 submitted that his client is suffering from some partial paralysis, that is why, he could not attend the trial Court and hence, there is non-compliance. He assures that if an opportunity is given, his client is ready to co-operate with the hearing of the case. Mr.Narvankar consented for cancellation of non-bailable warrant if necessary Application is filed.

6. Record shows that case was at the stage of return of non-bailable warrant. It was for the police and as per the Complainant, he cannot be blamed for that. The order needs to be set aside. Hence order:-

**ORDER**

- (i) The Appeal is allowed.
- (ii) The order dated 10<sup>th</sup> December 2021 passed by the Judicial Magistrate First Class – Saswad is set aside.
- (iii) The complaint is restored to the file.
- (iv) The Respondent No.1 is at liberty to appear before the trial Court on 30<sup>th</sup> June 2025 and to furnish surety and to make necessary Application for cancellation of non-bailable warrant. If he does not appear, law will take its own course.
- (v) The Appellant-Complainant has assured to co-operate for its cancellation.
- (vi) Case be proceeded as per the Rules.

**[S. M. MODAK, J.]**