

Shailaja

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

CRIMINAL APPLICATION NO. 2191 OF 2023

[LEAVE TO APPEAL]

Nilesh Laxman Pavadmal	]	Applicant
Vs.		
Satyajeet Vaman Bhagat and another	]	Respondents

**a/w
CRIMINAL APPLICATION NO. 64 OF 2024**

Nilesh Laxman Pavadmal	]	Applicant
Vs.		
Priyanka Satyajeet Bhagat and another	]	Respondents

.....
Mr. Irfan A. Shaikh, for Applicant.

Mr. Dhananjay Bhosale, for Respondent No.1.

Mr. P.H. Gaikwad, A.P.P, for Respondent No.2 -State.

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CORAM : PRITHVIRAJ K. CHAVAN, J.

DATE : 15th January, 2025.

P.C:

1. Criminal Application No.64 of 2024 is not on board. Taken on board.

2. Since the Judicial Magistrate, First Class, Panvel has dismissed both the complaints under section 256 of the Code of Criminal Procedure, 1973, pursuant to a special drive to dispose of old and stale cases and not on the merits, Special Leave to Appeal is granted.

3. Learned Counsel for the applicant has rightly argued that during COVID-19 Pandemic, the matters could not be heard and, therefore, it came to be dismissed by the learned Magistrate despite the fact that the complainant had already tendered his evidence on affidavit which is affirmed by the Assistant Superintendent of the Court on 30th June, 2023 i.e three months before the complaints came to be dismissed. The learned Counsel has also invited my attention to the fact that due to the absence of the accused, a warrant came to be issued. It is evident from the *Roznama* of the Court that on the same day warrant came to be cancelled pursuant to the application moved by the learned Counsel for the accused.

4. As such, the impugned orders dated 08.09.2023 are quashed and set aside. The complaints are restored to its original file on the same numbers. Accused shall execute fresh P.R bonds to the satisfaction of the learned Magistrate. The complainant and accused shall appear

before the Magistrate on 10th March, 2025. After appearance of the complainant and the accused, the Magistrate shall proceed further in accordance with law without granting unnecessary adjournments to any of the parties.

5. Both applications are disposed of in the aforesaid terms.

[PRITHVIRAJ K. CHAVAN, J.]