

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

CRIMINAL APPEAL NO.386 OF 2024

Rajendra Maruti Kamble

.... Appellant

Versus

Prakash Vitthal Patil And Anr.

.... Respondent

Mr. Prosper D'souza, Advocate for the Appellant.

Mr. Abhishek Kulkarni a/w Mr. Sagar Wakale, Advocate for Respondent No.1.

CORAM : SHIVKUMAR DIGE, J.

DATE : 30th JULY, 2025.

P.C. :

1. This criminal appeal is preferred against the order of dismissal of private complaint filed by the Appellant on 20th March, 2023, passed by the learned Additional Sessions Judge, Panvel.

2. It is contention of learned counsel for the Appellant that the Appellant was regularly pursuing his compliant and he had filed Writ Petition before this Court for expediting the said complaint. This Court (Coram: R. N. Laddha, J.) by order dated 20th March, 2024 has expedited the proceeding. But on the same day, the said

complaint was dismissed for non prosecution by the learned trial Court, which is erroneous. Hence, requested to allow the appeal.

3. It is contention of learned counsel for Respondent No.1 that the Appellant is a habitual litigant. He has filed various complaints against the various authorities including the litigant's Advocate and these complaints are filed only to harass them. He was not present before the learned Sessions Judge for several dates. Hence, complaint was rightly dismissed and requested to dismiss the appeal.

4. Learned APP for the Respondent – State submitted that the order passed by the learned Additional Sessions Judge, Panvel is legal and valid. No interference is required in it, and requested to dismiss the appeal.

4. I have heard all learned counsels. Perused the order passed by the learned Additional Sessions Judge, Panvel.

5. It appears from the record that this Court (Coram: R. N. Laddha, J) had allowed the writ petition filed by the Petitioner. It was filed in the year 2020 to expedite the complaint pending before the learned trial Court. It shows that the complainant was pursuing the complaint and the learned trial Court has dismissed the

compliant on the same day.

6. Considering these facts, I pass following order :

ORDER

- i. The Appeal is allowed.
- ii. The order passed by the learned Additional Sessions Judge vide order dated 20th March, 2024 dismissing the complaint filed by the Appellant, is quashed and set aside.
- iii. The Complaint is restored.
- iv. The Appellant or his Advocate shall remain present before the learned Sessions Judge, Panve. on every date if for two consecutive dates without any reason they remain absent. The learned Sessions Judge shall pass appropriate order.
- . The Appeal is allowed in the aforesaid terms, and is accordingly disposed of.

(SHIVKUMAR DIGE, J.)