



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

APPLICATION FOR LEAVE TO APPEAL (PVT) NO.223 OF 2025

MS Transasia Bio Medicals Ltd. through
Dheeraj Vishwakarma

...Applicant

V/s.

State of Maharashtra and Anr.

...Respondents

Mr. Rahul Raj *i/b. M/s. H. & M. Legal Associates for the Applicant.*

Mr. Vinit A. Kulkarni, *APP for Respondent -State.*

CORAM: SANDEEP V. MARNE, J.

DATED: 7 OCTOBER 2025.

P.C.:

1) The Application is filed seeking leave to Appeal against order dated 18 March 2025 passed by the Judicial Magistrate, First Class, 63rd Court, Andheri, dismissing Applicant's complaint under Section 256 of the Code of Criminal Procedure, 1973 for want of taking effective steps.

2) I have heard Mr. Rahul Raj, the learned counsel appearing for the Applicant and considered the submissions canvassed by him.

3) The complaint was filed by the Applicant sometime in October-2016. It remained pending for over 9 years and Respondent-accused could not be served with summons as well asailable warrants. It

appears that the Applicant took out as many as six different applications during 2017 to 2023 for issuance of fresh bailable warrants. Even though the Applicant knew that the accused could not be served at the given address, he went on making applications before the Magistrate for issuance of fresh bailable warrants. Six different bailable warrants were issued to the Respondent-accused, but none of them could be served. The complaint was posted for dismissal vide order dated 6 February 2024. For the next one year again, the Applicant did not take any steps for supplying fresh address of Respondent -accused. It is only after the complaint was taken up for dismissal that the Advocate for the Applicant moved an application for issuance of fresh bailable warrant but on the same address. The Application has been rejected by order dated 18 March 2025 and the Complaint is dismissed for want of taking effective steps under Section 256 of the Code.

4) Even in the present Appeal, the Applicant has indicated same address of the accused which was given in his complaint on which accused could not be served for 9 long years. Thus, despite knowing that the complaint has been dismissed on account of failure to take steps to supply fresh address of the Respondent -accused, the Applicant has chosen to file the present Application /Appeal indicating the same address of the Respondent -accused. If this Court was to issue notice to the Respondent, the same would be returned unserved. The above conduct on the part of the Applicant would indicate lack of seriousness in prosecuting the complaint. The complaint remained pending for over 9 long years without service on the Respondent- accused. Considering the lackadaisical attitude shown by the Applicant in prosecuting the complaint, in my view the learned Magistrate has rightly dismissed the Complaint under Section 256 of the Code by order dated 18 March 2025. The Applicant/Complainant has not grown wiser and has chosen to

indicate the same address of Respondent -accused on which he could not serve summons / warrant for 9 long years.

5) The contention of Mr. Raj that the accused is an influential person and avoided service of summons/warrant does not appeal to this Court. There is no such contention raised in the present Application. Even otherwise, it is difficult to believe that Respondent -accused could avoid service of as many as 6 bailable warrants for over 9 long years. Applicant on the other hand appears to be casual in not attempting to supply alternate address of Respondent for 9 long years.

6) In my view therefore, no case is made out for interference in the order dated 18 March 2025. The Applicant cannot be granted leave to file appeal against the acquittal order. The Application is devoid of merits and it is accordingly **rejected**.

[SANDEEP V. MARNE, J.]