



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APPA) NO. 520 OF 2018

Range Forest Officer
Vs
Siddesingh Chhotelal Pawar and others.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. K.N. Shukul, counsel a/w Mr. Raghav Tiwari, counsel for applicant.

CORAM : M.M. NERLIKAR, J.
DATED : 07/10/2025.

1. Heard.
2. This is an application for leave to file an appeal against the order of discharge passed by the learned Judicial Magistrate First Class, Chimur, District Chandrapur on 10/11/2014.
3. It appears from the order that the case was fixed for taking steps against the accused Nos.2 and 3. It further appears that, on number of occasions, the Judicial Magistrate First Class, issued warrants against the accused. However, the warrants were not executed, and accordingly, their presence could not be secured. The Magistrate further observed that the complainant has not appeared in the case since long and no steps were taken by the complainant to secure the presence of the accused.
4. Resultantly, the order of dismissal against the accused Nos. 2 and 3 was passed, as the case was pending

since 2001, and they were discharged under Section 245(2) of the Code of Criminal Procedure. Against this order, the Forest Department has filed the present application.

5. I have heard the learned counsel for the applicant, Mr. K.N. Shukul, who has been appointed by this Court by order dated 27/11/2018 to represent the appellant.

6. Mr. K.N. Shukul, submits that, despite several opportunities granted by this Court in order to serve respondent Nos. 2 and 3, the Department was unable to trace their addresses. Consequently, they have not been served.

7. It is further surprising to note that all the accused persons have been made party respondents, whereas the order under challenge is only passed against the accused Nos. 2 and 3 (Respondent No.2 – Reckard @ Rakesh Chhotya/Chhotelal Pawar, Respondent No.3 – Tirmus Ramprasad Pawar). It is informed that trial is pending against other accused person (respondents herein except Respondent Nos. 2 and 3). Therefore, it appears that other accused / respondents are wrongly added.

8. So far as the present application is concerned, the position is that in spite of several opportunities to the department/applicant, they have failed to serve respondent Nos. 2 and 3. This Court has given repeated chances to the appellant to serve the respondents that also by adopting all possible modes. By orders dated 14/07/2025 and 03/09/2025, last opportunity was granted to the applicant in

the interest of justice. Despite this, no positive steps are taken by the applicant.

9. Considering the above facts and circumstances of the case, no alternative is left with me but to dismiss the application for want of prosecution.

The criminal application is **dismissed** for want of prosecution.

(M.M. NERLIKAR, J)