



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL WRIT PETITION NO. 812 OF 2022

Biocare (India) Pvt. Ltd.

-- VERSUS --

Shri Pramod S/o Parasram Rotkar

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. Nishchay R. Raut, Advocate (appointed as Amicus Curiae)
for the Petitioner.

Mr. P.Sawal, Advocate h/f. Mr. G.B. Sawal, Advocate for the
respondent.

CORAM : M.M. NERLIKAR, J.

DATE : SEPTEMBER 04, 2025.

The present petition challenges the order dated 18/07/2022, wherein, the application for change of power of attorney was rejected on the ground that the application was not supported with the copy of power of attorney. The petitioner is the original complainant.

2. The matter is arising out of Section 138 of the Negotiable Instruments Act, 1881. This Petition was filed on 18/11/2022 by the petitioner, through Advocate Shri R.S. Naktode. On 14/12/2022, notice was issued, however, Advocate Naktode passed away, which was gathered from the order dated 05/01/2024. Thereafter, notice was issued to the petitioner for the engagement of another counsel. Mr. Khemuka, learned counsel,

undertakes to file Vakalatnama on behalf of the petitioner, which is recorded in the order dated 19/01/2024. However, it appears that, as he could not obtain instructions, he has not filed the Vakalatnama.

3. Thereafter, on several occasions, the matter was adjourned for the appearance of the petitioner. However, the petitioner failed to engage an advocate, despite being duly served with the notice. On 01/04/2025, Mr. N.R. Raut, was appointed as Amicus Curiae to assist the Court in the matter. The matter was adjourned from time to time, however, till today the petitioner has not appeared.

4. On 28/01/2025, as none appeared for the petitioner, the matter was directed to be listed under the caption of “Dismissal” after two weeks. Even thereafter, no one has appeared on behalf of the petitioner, nor has the petitioner appeared.

5. The learned counsel for the respondent submits that even in the Trial Court, the petitioner is not appearing since last 2-3 years. It seems that the petitioner has lost interest in the proceedings, and therefore, I am inclined to dismiss the petition for non-prosecution. Hence, the petition is **dismissed** for non-prosecution.

[M.M. NERLIKAR, J]