



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

APPLN. FOR LEAVE TO APPEAL BY PVT. PARTY NO. 107 OF 2024

BAGARIA AGRO PRODUCTS THROUGH MANAGING DIRECTOR
RAMESH KUMAR JEETMAL BAGARIA

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Appellant : Mr. Shantanu A. Deshpande

APP for Respondent No.1 - State : Mr. S. G. Sangle

Advocate for Respondent No.2 : Mr. B. P. Gonare h/f. Mr. I. D. Maniyar

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CORAM : ABHAY S. WAGHWASE, J.

DATED : 04 FEBRUARY 2026

PER COURT :

1. Instant leave application is at the behest of original complainant, whose proceedings under section 138 of Negotiable Instruments Act ended up in acquittal of respondent.

2. Learned counsel for applicant pointed out that, proceedings bearing S.C.C. No.10521 of 2018 was instituted against present respondent alleging offence punishable under section 138 of N.I Act. After all essential procedural steps were completed, complaint was filed and duly registered. It is further pointed out that, on satisfaction, learned trial court also issued process on 10.01.2019. Learned counsel submits that the learned trial court dismissed the complaint for want of

prosecution on account of only a single absence. He placed on record a copy of roznama. Learned counsel undertakes to diligently prosecute the case henceforth and prays to grant leave and if possible to remand the matter to trial court with directions to take it to the logical end.

3. Learned counsel for respondent no.2 opposed on the ground that, there was no prosecution for long time. Therefore, learned trial court committed no error in dismissing the complaint and therefore, he prays to refuse leave.

4. Considering the above, as there was only a single absence, matter was dismissed in default. In the interest of justice and in view of the statement made across the bar that applicant is ready to diligently workout the matter, a last chance is granted to prosecute the matter. Accordingly leave as prayed deserves to be granted. Therefore, case is remanded back for fresh consideration. Hence, the following order is passed :

ORDER

- (i) Application stands allowed.
- (ii) Leave is granted to file Appeal.
- (iii) Registry to register the Appeal.

In Appeal the following order is passed :

(iv) The impugned order dated 10.08.2022 passed by learned Judicial Magistrate First Class, Aurangabad in S.C.C. No. 10521 of 2018 is hereby set aside.

(v) Matter is remanded back to the file of learned Judicial Magistrate First Class, Aurangabad, who shall conduct hearing afresh and decide the same according to law.

(vi) Parties shall appear before the learned trial court on 11.02.2026 and further dates and future course shall be decided by the learned trial Judge.

(vii) The appeal is disposed off accordingly.

(ABHAY S. WAGHWASE, J.)