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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 277 OF 2019
(Leave to file appeal)

JM Financial Asset Reconstruction Company ... Applicant
Limited through Manthan Sanghavi

vs.

M/s. Yash Enterprises and Ors ... Respondents
Mr. Kshitij Parekh, Mr. Vinod Kothari a/w. Ms. Aradhya Dixit i/b. Apex
Law Partners, for Applicant.

CORAM : GAURI GODSE, J.

DATED : 9th OCTOBER 2025

ORDER:

1. This application is filed under Section 378(4) of the Criminal Procedure Code ('Cr.PC') by the original complainant to challenge the order passed by the learned Magistrate acquitting the accused for the offence punishable under Section 138 of the Negotiable Instruments Act. The application is dismissed on the ground that no steps were taken by the advocate for the complainant.

2. Learned counsel for the applicant submits that the reasons for not appearing on 9th May 2019 are explained in the ground (h) of the memo of the application. He submits that due to ill health, his assistant advocate was unable to remain present.

3. In view of the grounds stated in the application, leave granted.
4. Since, the impugned order was passed on the ground that no steps have been taken, the appeal can be heard finally at the admission stage. Hence, office shall register the appeal and issue notice to respondent nos. 1 to 3, returnable on 17th November 2025.

(GAURI GODSE, J.)