

IN THE COURT OF METROPOLITAN MAGISTRATE, 58TH COURT,
BANDRA, MUMBAI
ORDER BELOW APPLICATION DATED 20.04.2024

1. Perused the application.
2. Heard advocate Ms. Bhoomi Lodha for the complainant.
3. Vide captioned application complainant had applied for recalling the order of dismissal of complaint dated 19.04.2024.
4. After hearing advocate Ms. Lodha and perusing daily board coupled with the proceeding, there is reason to believe that wrong order came to be passed due to negligence and reclessness of Interpreter Mr. Vijay Lohar, despite giving next date to the proceeding. He seems to have given the file to the stenographer Mrs. Aditi Dalvi for passing dismissal order and as such the order came to be passed.
5. The complainant has taken steps in the proceeding in the morning session. There is no mistake committed on behalf of complainant or their advocate. The order of dismissal came to be passed erroneously due to misleading the court and inadvertantly due to heavy daily board. Therefore, the same needs to be recalled back restoring of complaint to original stage. The accused is absent since long back and avoiding his presence. Already Non Bailable Warrant is pending against accused. No prejudice will be caused to the accused if file is again restored setting aside the order of dismissal of complaint for want of presence of complainant. The matter needs to be heard on merits by giving opportunity to the complainant. Already report of Judicial Clerk and explanation of Interpreter is called for taking further

necessary action. Hence, I pass following order, in the interest of justice.

ORDER

1. Application is allowed.
2. Criminal complaint No.738/SC/2022 is hereby restored to its original stage of proceeding.
3. The Interepreter to get the file restored from the concerned computer department on CIS forthwith.
4. Order dictated and pronounced in open court.

Date : 20.04.2024

(M. P. Saraf)
Metropolitan Magistrate,
58th Court, Bandra, Mumbai.
J.O.Code: MH01362

CERTIFICATE

I affirm that the contents of this P.D.F file Order are same, word to word as per the original Order.

Name of Stenographer : Mrs. Aditi Ravikiran Dalvi
Court : Metropolitan Magistrate, 58th Court, Bandra,
Mumbai.
Dictated in open court on : 20.04.2024.
Transcribed and Typed on : 20.04.2024.
Order printed and Signed on : 20.04.2024.
Order Uploaded on : 20.04.2024.