

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

Criminal Application No.108 of 2015

Devgiri Nagri Sahakari Pat Sanstha
Maryadit Aurangabad.

.. Applicant.

Versus

Tausif Khan S/o. Jamsher Khan Pathan. **.. Respondent.**

Shri. Satish A. Gaikwad, Advocate, for applicant.

Shri. Afzal Husain M. Vakil, Advocate, for respondent.

CORAM: T.V. NALAWADE, J.

DATE : 17th AUGUST 2015

ORDER:

1) The application is filed under section 378(4) of the Code of Criminal Procedure, 1973 for grant of leave to file appeal against the order made in S.C.C. No.7317 of 2013 by the Judicial Magistrate, First Class, Aurangabad. The private complaint filed under section 138 of the Negotiable Instruments Act by the applicant, cooperative credit society, is dismissed by the Judicial Magistrate by observing that the complainant was not interested in

prosecuting the matter and the evidence on affidavit was not filed. The decision was given under section 256 under section 378(4) of the Code of Criminal Procedure, 1973 and the accused is acquitted. In view of the contentions in the application and the copy of the Roznama the blame can be put on the Advocate. The applicant is a cooperative credit society. This Court holds that there is good arguable case for the applicant in the appeal.

2) In the result, the application is allowed. Leave is granted.

3) The appeal is admitted. Notice after admission, it is made returnable on 5 October 2015. Call record and proceeding.

Sd/-
(T.V. NALAWADE, J.)

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