**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

5. CRI.APPLN/721/2015

RAHIM RAFIKALI MOTI THR. PROP. PRINCE STEEL
V/S
SHREE SHOT EQUIPMMENT PVT LTD.

6. CRI.APPLN/722/2015

PRINCE STEELS, THROUGH ITS PROP. RAHIM RAFIKALI MOTI
V/S
SHREE SHOT EQUIPMMENT PVT LTD.

7. CRI.APPLN/724/2015

PRINCE STEELS, THROUGH ITS PROP. RAHIM RAFIKALI MOTI
V/S
SHREE SHOT EQUIPMMENT PVT LTD.

8. CRI.APPLN/725/2015

PRINCE STEELS, THROUGH ITS PROP. RAHIM RAFIKALI MOTI
V/S
SHREE SHOT EQUIPMMENT PVT LTD.

9. CRI.APPLN/726/2015

PRINCE STEELS, THROUGH ITS PROP. RAHIM RAFIKALI MOTI
V/S
SHREE SHOT EQUIPMMENT PVT LTD.

Mr. M.R. Sonawane, Advocate for applicants.

CORAM : T.V. NALAWADE, J.
DATED : 6th August, 2015.

ORDER :

1. All the applications are filed under section 378 (4) of Cr.P.C. for grant of leave to file appeals against judgments and orders of some private complaints filed under section 138 of Negotiable Instruments Act by the applicants against the

respondents. Heard the learned counsel for the applicants. Seen the reasoning given.

2. The case of the complainant is that steel worth Rs. twenty four lakh was supplied to the accused and out of that price, the amount of Rs. sixteen lakh was paid by the accused and accused was in due of Rs. eight lakh. It is contended that five cheques were given by the accused for this amount and these cheques bounced. Accused took various defences including giving of the cheuqes for security etc. The Trial Court has considered some circumstances like there are discrepancies in few amounts paid on two occasions like Rs. 1.5 lakh each and this amount is not shown in the account by the complainant as the amount is received by him. On the basis of these discrepancies the acquittal is given. It was submitted by the learned counsel for the applicants that those amounts were already considered and those amounts are part of Rs. sixteen lakh which is received by the complainant. He further submitted that the trial Court has drawn the wrong inference on the basis of so called admissions given by the complainant in cross examination. The transaction itself is not disputed and there is some additional record like payment of VAT record. In view of these circumstances, this Court holds that there is good

arguable case in the appeal.

3. In the result, all the applications are allowed. Leave is granted in all the proceedings.

4. Appeals are **admitted.** Notice after admission is made returnable on 14.9.2015. Call record and proceeding in all the matters.

[T.V. NALAWADE, J.]

ssc/