

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1245 OF 2015

Devgiri Nagri Sahakari Pat Sanstha .. Applicant

Vs.

Arun S/o Aasaram Shinde and anr. .. Respondents

Mr. Joshi, Advocate i/b J.P. Legal Associates for applicant

Mr. Y.G. Somani, Advocate for respondent no.1

Mr. V.P. Kadam, A.P.P. for respondent-State

CORAM : M.T. JOSHI, J.

DATE : 01/07/2015

ORAL ORDER :

Upon hearing both sides, it appears that the learned Judicial Magistrate First Class has acquitted the present respondent no.1-Arun S/o Aasaram Shinde, finding some anomaly in the account book of the present applicant-co-operative society and the cheque amount. The difference appears to be of Rs.7,000/- and odd and, therefore, the learned Judicial Magistrate First Class has acquitted the respondent.

3. Without making any comment on the merit of the case, as to what was the principal and how much should

have been the interest, considering the fact that the present applicant-appellant has filed on record all the necessary documents for the proof of the offence punishable under section 138 of the Negotiable Instruments Act i.e. the loan application, loan agreement, mortgage deed, account statements etc., since arguable case is made out, leave to file appeal is hereby granted. Criminal Application no.1245 of 2015 stands disposed of accordingly.

4. Appeal be registered according to due procedure of law.

5. Mr. Somani waives notice for respondent no.1 and Mr. Kadam, A.P.P. waives notice for respondent no.2-State, upon registration of the appeal.

[M.T. JOSHI]
JUDGE

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