

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.1156 OF 2010

Anilkumar s/o. Chetanswaroop Sing,
Age 45 years, occ. Business,
R/o. Plot No.112/5, Gurusahani
Nagar, N-4, CIDCO, Aurangabad ..Applicant

Versus

- 1] Hotel Mashrum Pvt. Ltd.,
Gut No.124, At post Tisgaon,
Aurangabad Nagar Road,
Tq. and Dist. Aurangabad
Through it's Managing Director
- 2] Shashikant s/o. Balaji Deokhedkar,
age 43, occ. Business,
r/o. 26, Ahinsa Nagar,
Akashwani, Aurangabad ..Respondents

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None present for applicant

Mr.M.K.Deshpande, advocate for respondent nos.1
and 2

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CORAM : M.T. JOSHI, J.

DATE : SEPTEMBER 08, 2015

PER COURT :

None appears for the appellant/applicant. The
earlier order also shows that nobody had appeared
for the appellant/applicant.

2] Learned counsel for the respondents submits that respondent no.2 has died.

3] Aggrieved by the acquittal of the respondents from the offence punishable under section 138 of the Negotiable Instruments Act, the applicant wants to prefer an appeal and therefore, the present application for grant of leave to file appeal, is filed.

4] Reading of the case papers and more particularly, the reasoning of the trial Court, would show that as against the case of present applicant that the respondent took an amount as a hand loan and passed the cheque, the documentary evidence would show that during the relevant period, an amount of 41,000/- was lying in the account of the respondent. Learned Judicial Magistrate First Class further found that the

cheque was issued towards the security of payment of rent.

5] Since a reasonable and probable view has been taken by the learned Judicial Magistrate First Class on the basis of the material, leave to file appeal cannot be granted.

6] The application for grant of leave to file appeal is, therefore, dismissed.

[M.T. JOSHI, J.]

kbp