

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

CRIMINAL APPLICATION NO.1871 OF 2013

Mr. Sunil Basweshwar Hodade ... APPLICANT

VERSUS

Shri Ashok Babanrao Pagar & anr. ... RESPONDENTS

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Shri Mukul Kulkarni, Advocate for applicant
Shri Yogesh B. Bolkar, Advocate holding for
Shri U.N. Shete, Advocate for respondent
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CORAM: A.I.S. CHEEMA, J.

DATED: 21st January, 2015.

ORAL ORDER :

1. Heard counsel for applicant – original complainant. He is submitting that, the respondent – original accused had cordial relations with the applicant and the applicant had given hand loan of Rs.20,000/- to the respondent. The respondent had, for the purpose, issued cheque. When the cheque was tendered in Bank, the same bounced and hence the complaint was filed. The learned counsel submitted that the trial Court did not appreciate the evidence properly and wrongly held that there

was no legally enforceable debt. The defence of the respondent – accused that the cheque was issued only as security has wrongly been accepted by the trial Court.

2. Going through the material available, it can be seen that the complainant himself was not clear whether the amount was advanced as hand loan or the cheque was issued against goods which the complainant claimed to have supplied to the respondent – accused. The trial Court considered the evidence on this count and did not find the complainant reliable, and acquitted the accused. Looking to the reasonings recorded by the trial Court, the learned counsel for applicant is unable to show that the reasonings are not correct, if the evidence was to be considered. Reasons recorded are possible view. As such, there is no reason to interfere in the application. Criminal Application is rejected.

(A.I.S. CHEEMA, J.)