

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

Criminal Application No.2078 of 2015

Rajesh S/o Kishor Tilkari.

.. Applicant.

Versus

Ashok S/o Dattrao Zore
And Another.

.. Respondents.

Shri. Mahesh P. Kale, Advocate, for applicant.

Smt. Swati B. Nakhate, Advocate, holding for Shir. S.S.
Thombre, Advocate, for respondent No.1.

Shri. S.A. Ambad, Additional Public Prosecutor, for
respondent No.2.

CORAM: T.V. NALAWADE, J.

DATE : 4th AUGUST 2015

ORDER:

1) The application is filed under section 378(4) of the Code of Criminal procedure for grant of leave to file appeal against judgment and order of SCC No.816/2012. Heard learned counsel for the complainant. Some hearing was given to the learned counsel for the accused also.

2) It is the case of the complainant that in the year 2012 he had given hand loan of Rs.2.3 lakh to the

accused as the accused is his friend. It is contended that after few months when he insisted for repayment of the loan amount accused gave the cheque in question. This cheque bounced with remarks that there was no sufficient fund in the account of the accused. After following due procedure complaint was filed.

3) Before the Judicial Magistrate the original complainant gave evidence. The trial Court has given acquittal to the accused by observing that the complainant was not able to show source from which he had given the money. One more reason is given that contents of the cheque were filled by the complainant. The reason is not that convincing. This Court holds that there is good arguable case to the complainant in the appeal and so leave needs to be granted. In the result, the application is allowed. Leave is granted. Appeal is admitted. Notice after admission, it is waived by the learned counsel for the accused.

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

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