

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.2489 OF 2013

Devgiri Nagri Sahakari Pat Sanstha
Ltd., Jalna, Through its Branch Manager,
Mantha Branch, Dist-Jalna.

...APPLICANT

VERSUS

- 1) The State of Maharashtra,
- 2) Vishnu s/o Uddhavrao Tanpure,
Age-41 years, Occu:Business,
R/o-Watoor Phata, Tq-Mantha,
Dist-Jalna.

...RESPONDENTS

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Mr. S.B. Joshi Advocate for Applicant.
Mr. B.L. Dhas, A.P.P. for Respondent No.1.
Mr. Prasad B. Kadam Advocate h/f. Mr. S.J.
Salunke Advocate for Respondent No.2.

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CORAM: A.I.S. CHEEMA, J.

DATE : 20TH JANUARY, 2015

ORAL ORDER :

1. Heard learned counsel for Applicant and

learned counsel for Respondent No.2. Perused record.

2. Learned counsel for Applicant is pointing out that Respondent No.2 - accused was granted loan and the cheque issued bounced. He refers to observations of the trial Court in Para 12 to point out that if the same are read in consonance with evidence recorded, the trial Court has committed error as there is wrong reading of evidence.

3. Learned counsel for Respondent No.2 seeks further time to go through the Record and Proceeding. On 7th January 2015 the matter was adjourned for this very specific purpose. As such no further adjournment is justified.

4. Looking to the submissions made by the learned counsel for the Applicant and the record, there appears to be an arguable case which

requires this Court to reconsider and re-appreciate the evidence. As such leave is granted. The Application is allowed. Application be converted into Appeal.

5. Appeal is **Admitted**. The learned A.P.P. waives service of notice on behalf of Respondent No.1, after admission of the Appeal. Mr. Kadam, learned counsel waives service of notice on behalf of Respondent No.2, after admission of the Appeal.

6. Action under Section 390 of Cr.P.C. be taken against Respondent No.2 -accused in the trial Court and the report be called.

7. Paper Book be got prepared.

[A.I.S. CHEEMA, J.]