IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3444 OF 2014

Shri Kedareshwar Sahakari Sakhar
Karkhana Ltd. .. Applicant

Vs.

The State of Maharashtra and anr. .. Respondents

Mr. Ashwin V. Hon, Advocate for the applicant
Mr. P.N. Muley, A.P.P. for the respondent-State
Mr. N.R. Shaikh, Advocate for respondent no.2

CORAM : M.T. JOSHI, J.
DATE : 22/09/2015

ORAL ORDER :

Heard both sides.

2. Perused the reasoning forwarded by the learned Judicial Magistrate First Class, Shevgaon vide judgment and order dated 09/01/2014 passed in S.T.C. No. 319 of 2008. The submissions as well as the record would show that though the impugned cheque was pressed into service, the complainant witness - Mukund deposed that he was not aware of any transaction. He failed to depose as to how much amount was taken and how many transactions took place between the parties. He even

deposed that in the year 2007-2008, the sugar factory was closed on 08/06/2008 while the cheque bears the date as 08/06/2008.

3. The defence of the respondent-accused was that he had issued a blank signed cheque to the complainant factory only by way of security while entering into the agreement.

4. Considering all this material, the learned Judicial Magistrate First Class found that the presumption due to the drawing of the cheque stands rebutted.

5. Learned counsel for the respondent additionally places reliance on the ratio of "**M.S. Narayana Menon alias Mani V. State of Kerala and anr." 2006 CRI. L.J. 4607.**

6. Considering all the material on record, in my view, the learned Judicial Magistrate First Class has taken a reasonable and probable view of the material placed before him.

7. In the circumstances, grant of leave to file appeal would be an exercise in futility. Hence, leave is refused. Application is accordingly rejected.

[M.T. JOSHI]
JUDGE

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