

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.3299 OF 2013

Kisan Parasram Kawade,
Age-52 years, Occu:Agri.,
R/o-Mahaldarpuri,
Tq-Washi, Dist-Osmanabad.

...APPLICANT

VERSUS

Dipak Tukaram Lawand,
Age-32 years, Occu:Agri.,
R/o-Kanheri, Tq-Washi,
Dist-Osmanabad.

...RESPONDENT

...
Mr. Vikram S. Undre Advocate for Applicant.
Mr. D.H. Jadhav Advocate for Respondent.
...

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

DATE : 6TH JANUARY, 2015

ORAL ORDER :

1. Heard learned counsel for Applicant and
learned counsel for Respondent, finally. Perused
record.

2. Respondent is son-in-law of the Applicant. Applicant claims that he had given hand loan to the Respondent of Rupees One Lakh on 9th January 2011 when the married life of the daughter of the complainant, namely, Seema was going on well with the Respondent. However, in an incident dated 14th July 2011, Seema, daughter of the complainant got burnt. According to the learned counsel for Applicant, the Respondent was responsible for burns of Seema. However, no criminal case was filed regarding that incident. Seema died on 20th July 2011. Learned counsel for Applicant is submitting that the Respondent-accused agreed to transfer 4 Acres land in the name of his two daughters. According to the learned counsel, the Applicant was concerned with the welfare of his grand children. He submits that at that time the accused was asked to return the money lent on 9th January 2011 and for that purpose, Respondent-accused issued two cheques on 21st July 2011 but those cheques bounced. The

counsel submits that the Respondent-accused had agreed to transfer 4 Acres of land to his daughters but ultimately transferred only 88 R land. Learned counsel is submitting that the trial Court wrongly accepted the defence that the Applicant did not have trust in the Respondent-accused that he would transfer 4 Acre land and so the two cheques were issued.

3. The learned counsel for Respondent is relying on the reasons recorded by the trial Court for acquitting the Respondent-accused.

4. Going through the record, it appears that although there was unfortunate death of Seema on 20th July 2011, the parties sat down to take stock of what could be transferred to the daughters of the Respondent-accused and also for issue of cheques. The discussion of the trial Court shows that the evidence was discussed where the complainant expressed his no confidence on the

Respondent-accused regarding transfer of lands and for issue of cheques. The trial Court discussed that there was no other evidence in support of the contention of the complainant that he had really given hand loan. The case of the complainant was that his real brother Gorakh Kawade was witness to giving of hand loan, however, this Gorakh Kawade was also not examined and this was noted by the trial Court. The trial Court observed that the cheques were issued on the next date of death of Seema and the trial Court found that it was unnatural that the cheques would have been issued for the return of hand loan. The trial Court found the defence probable and acquitted the Respondent-accused.

5. Looking to the reasons recorded by the trial Court for the evidence discussed, I do not find that this is a fit case where leave needs to be granted. The view taken by the trial Court is a possible view. Thus, no case is made out to

interfere with the acquittal of the Respondent-
accused.

6. For the reasons stated above, Criminal
Application stands rejected.

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

asb/JAN15