

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3605 OF 2015

Sant Baba Hardasram Nagri Co-operative
Credit Society Ltd. Jalgaon

.. Applicant
(Orig. Complainant)

Vs.

Chandrakumar Hundrajmal Lalwani
and anr.

.. Respondents
(Resp. No.1-Orig. Accused)

Mr. Amol S. Gandhi, Advocate for applicant
Mr. U.S. Mote, A.P.P. for respondent-State

CORAM : M.T. JOSHI, J.
DATE : 28/08/2015

ORAL ORDER :

Heard Mr. Gandhi.

2. The record would reveal that for want of passing of the certificate below the extract of account which is required as per the provisions of section 65(4) of the Indian Evidence Act, the learned Judicial Magistrate First Class, Jalgaon acquitted the respondent from the offence punishable under section 138 of the Negotiable Instruments Act. Arguable case is made out.

3. In the circumstances, leave to file appeal is

hereby granted. Appeal be registered as per the due procedure of law.

4. Upon registration, the appeal stands admitted. Learned A.P.P. waives notice for the respondent no.2-State, upon admission of the appeal.

5. Print of the paperbook is dispensed with.

6. Learned Judicial Magistrate First Class, Jalgaon is directed to comply with the provisions of section 390 of the Code of Criminal Procedure, by securing the presence of respondent no.1 - Chandrakumar Hundrajmal Lalwani and releasing him on bail, upon his executing P.R. bond in the amount of Rs.10,000/- (Rs. Ten Thousand) also upon furnishing surety in the like amount, for securing his presence in this Court, in the appeal.

7. Criminal Application accordingly stands disposed of.

[M.T. JOSHI]
JUDGE

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