

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

CRIMINAL APPEAL NO. 510 OF 2003

HARISH KRISHANLAL BHATIA
VERSUS
N. NAGESHWAR RAO

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Advocate for Appellant : Mr. N. B. Suryawanshi.

Advocate for Respondent : Mr. C.R. Deshpande.

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CORAM : **M. T. JOSHI, J.**

DATE : 17th April, 2015.

Per Court:

1 Heard both the sides.

2 Aggrieved by the acquittal of the Respondent from the offence punishable under Section 138 of the Negotiable Instruments Act, the present appeal is preferred.

3 The facts on record would show that the Respondent has deposited the entire amount under the cheque together with interest at the bank rate in the trial Court. The present Appellant – Complainant has opposed the same. The Court, however, upon hearing both the sides and upon relying on certain authorities, had accepted the cheque. Thereafter, the present Appellant has even withdrawn the said amount deposited by the Respondent and continued with the

complaint. In the circumstances, the trial Court by forwarding the reasons, acquitted the Respondent.

4 Upon hearing both the sides, in my view, no fault can be found with the findings of the learned trial Court. The cheque amount together with interest at bank rate was deposited. The same was even withdrawn by the present Appellant. In that view of the matter, nothing survives for consideration in the present appeal.

5 In the circumstances, the criminal appeal is hereby dismissed without any order as to cost.

[M. T. JOSHI, J.]

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