

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

Criminal Application No. 4545 Of 2014.

Mohammed Ziya s/o Mohammed
Osman Qureshi.

....Applicant.

Versus

Abhijeet s/o Diliprao Deshmukh
And Another.

....Respondents.

Shri. H.I.Pathan, Advocate for applicant.

Shri. M.M. Patil, Advocate for respondent No.1.

Shri. P.N. Mule, Additional Public Prosecutor for respondent No.2.

CORAM : T.V. NALAWADE, J.

DATED : 12th August, 2015.

ORDER :

1. The application is filed under section 378(4) of Code of Criminal Procedure for grant of leave to appeal filed against the judgment and order in S.C.C. No.360/2010, which was pending in the Court of Judicial Magistrate First Class, at Kalamnuri, District-Hingoli.

2. In private complaint filed by the applicant for offence punishable under section 138 of Negotiable Instruments Act. The trial Court has acquitted the accused. Heard the learned counsel for the applicant. Seen the record and reasoning, the

acquittal is given on the ground that no record of payment is maintained by the complainant. The accused took various defences and one defence was that he had given the blank cheque to the complainant who was employee in the shop. The defence of the forgery is not accepted by the trial Court but on other ground the complaint is dismissed. This Court holds that there is good arguable case to the complainant.

3. In the result, the application is allowed. Leave is granted.

4. The appeal is admitted. Notice after admission. Notice is waived by learned counsel for the accused and the learned Additional Public Prosecutor.

[T.V. NALAWADE, J.]

mnp/