

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 4632 OF 2014

Janlaxmi Gramin Bigar Sheti
Sahakari Patsanstha Ltd., Akole

.. Applicant
(Orig. Complainant)

Vs.

Rangnath Namdev Kanwade

.. Respondent

Mr. S.K. Shinde, Advocate for the applicant
Mr. V.Y. Bhide, Advocate for the respondent

CORAM : M.T. JOSHI, J.

DATE : 29/09/2015

ORAL ORDER :

1. Heard both sides.
2. The reasoning of the learned Judicial Magistrate First Class, Akole, Dist. Ahmednagar would show that the extract of accounts filed by the present appellant-complainant and the amount under the cheque on the specified date i.e. 27/10/2009 does not match and in-fact a vast difference in the figure is there. In that view of the matter, the learned Judicial Magistrate First Class came to the conclusion that the presumption that the cheque was issued towards the repayment of the loan stood rebutted.

3. The order of the learned Judicial Magistrate First Class, acquitting the present respondent from the offence punishable under section 138 of the Negotiable Instruments Act, cannot be faulted with. Leave to file appeal therefore would be an exercise in futility.

4. The leave is therefore refused. Application is accordingly dismissed.

[M.T. JOSHI]
JUDGE

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