

FARAD CONTINUATION SHEET No.

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

CRIMINAL APPLICATION NO.4964 OF 2014

(The Shegaon Shri Agrasen Sahakari Patsanstha Maryadit, Shegaon Vs. Ibrahim
Yusufbhai Sariya)

Office Notes,Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Shri M.K. Goyanka, Advocate for applicant

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

DATED : 13th January, 2015.

1. Heard counsel for the applicant. Perused record. The respondent served, is absent. Learned counsel for the applicant submits that, the applicant - complainant is a Patsanstha and the respondent - accused was member, to whom loan was given of Rs.4 Lakhs on 4.3.2005. According to counsel, on 23.8.2006, an amount of Rs.4,35,000/- was due from the respondent - accused for which he issued the cheque but the same bounced. Learned counsel referred to the reasoning of the trial Court to show that the same was not well founded and that the trial court wrongly held that the amount due was not

established. The trial Court wrongly read the handwriting expert report without handwriting expert being examined. There is arguable case. Leave is granted. Criminal Application is converted into Criminal Appeal.

2. Appeal is **admitted**.

3. Paper Book be got prepared.

4. Action under Section 390 of the Code of Criminal Procedure be taken against the respondent - accused in the trial Court and report be called.

(A.I.S. CHEEMA, J.)