

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO. 4291 OF 2012**

Suresh S/o Arjun Pawar

.. Applicant  
(Orig. Complainant)

Vs.

Sahebrao S/o Mahadu Chavan

.. Respondent  
(Orig. Accused)

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Mr. S.S. Patil, Advocate for the applicant

Mr. Milind M. Joshi, Advocate for the respondent

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

**DATE : 27/04/2015**

**ORAL ORDER :**

1. Heard both sides.
2. Inter-alia, for the reasons that the statutory notice could not be served on the respondent as his address in the R.P.A.D. envelope was insufficient, the respondent was acquitted in the Summary Criminal Case No.5575 of 2012 from the offence punishable under section 138 of the Negotiable Instruments Act by the learned Judicial Magistrate First Class, Aurangabad vide judgment and order dated 08/08/2012.
3. Mr. Patil, learned counsel for the applicant-complainant submits that the summons in the criminal

case however was served on the same address.

4. In that view of the matter, since arguable case is made out, leave to file appeal is hereby granted. Criminal Application no. 4291 of 2012 accordingly stands disposed of.

5. Office to register the appeal as per due procedure of law.

6. Upon registration of the appeal, the same stands admitted. Mr. M.M. Joshi waives notice for the respondent after admission of the appeal.

7. Action under section 390 of the Code of Criminal Procedure to follow.

8. Learned Judicial Magistrate First Class to send the compliance report regarding the action on or before 30th June, 2015.

Stand over to 30/06/2015.

**[M.T. JOSHI]**  
**JUDGE**

arp/