

**FARAD CONTINUATION SHEET NO.**  
**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**BENCH AT AURANGABAD.**

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|--------------------------------------------------------------------------------------|--------------------------------------------------------|----------------------------|
| Office Memoranda of appearance, Court's orders or directions and Registrar's orders. | Notes, of Coram, Court's orders or Registrar's orders. | Court's or Judge's orders. |
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CRIMINAL APPLICATION NO. 5212 OF 2014

RAMDAS S/O MAHADEO YEDE  
VERSUS  
NILESH S/O RMESHRAO KULKARNI

...  
Advocate for Applicant : Mr. Anjanwatikar Vinay B.  
Advocate for Respondent: Mr. S. G. Kulkarni

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**CORAM: T. V. NALAWADE, J.**  
**DATED: 13th August, 2015.**

**PER COURT:**

1. The application is filed under section 378 (4) of Cr.P.Code for grant of leave to file appeal against the judgment and order of SCC No. 45 of 2012 which was pending in the Court of learned J.M.F.C. Manwat, District Parbhani. Learned counsel for the Applicant is heard.
2. Seen the reasoning given. The acquittal is given only on one circumstance, the admission given by the complainant that on the date of issue of cheque the accused was to pay Rs.1 Lakh. The cheque is of Rs.1.5 Lakh. It appears that the accused was ready to give the

remaining amount of Rs.50,000/- and he was having the receipt in respect of the amount of Rs.50,000/-. Thus, at least to some extent the liability is not disputed by the accused. There is arguable case on the point whether in such a case the offence under section 138 is made out. In the result, the application is allowed. Leave is granted.

3. Appeal is admitted.

4. Learned counsel for the accused waives notice.

**[T. V. NALAWADE, J.]**

Dt.13/08/2015  
ans/5212