

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

**CRIMINAL APPLICATION NO. 4780 OF 2013**

Poonamchand Roopchand Agrawal,  
Age: 58 years, Occ. Business,  
R/o Nath Baba Galli, Sadar Bazar,  
Jalna Ta.& Dist. Jalna.

...Applicant

versus

1. Vandana Seeds & Fertilizers,  
Nitin Rishiram Agrawal (Garg)  
Age Major, Occu. Business,  
R/o Dhanraj Pannalal Shop,  
Jalna, Tq & Dist. Jalna.

2. The State of Maharashtra.

...Respondents

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Mr. L.B. Pallod, Advocate for Applicant  
Mr. S.G. Ladda, Advocate holding for  
Mr. S.J. Rahate, Advocate for respondent No. 1  
Smt.R.K.Ladda, A.P.P. For respondent No. 2.

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

**DATED : 2ND FEBRUARY, 2015**

**Order :-**

1. Heard learned counsel for both sides.
2. Considered the judgment of the trial court and the record. On going through the judgment of the trial court, it appears that there were different cheques regarding bouncing, of which complaint was filed. It was held that,

there could not have been bifurcation of liability and thus the trial Court concluded that it was not proved that there was amount of Rs.3,00,000/- outstanding and towards discharge, the cheque was issued. There is arguable case. It is necessary to re-appreciate the evidence and law on the points involved. As such, leave is granted. Application is allowed.

3. Application be converted into appeal.
4. Appeal is ***Admitted.***
5. Paper-book be got prepared.
6. Action under section 390 of the Code of Criminal Procedure be taken against respondent No. 1 - original accused in the trial court and short report of compliance be called.
7. Learned A.P.P. dispenses with notice on behalf of respondent No. 2.

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