

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.4949 OF 2015

Shri Govind s/o. Bansidhar Kunjar,
Age 71 years, Occ. Business,
R/o. Plot No.8, Bijlinagar,
New Osmanpura, Aurangabad,
M/s. Kunjar Sales & Services,
Shop No.8, Shankar – Dhan
Laxmi Building, Below UTI Bank,
Adalat Road, Aurangabad ..Appellant

Versus

Sarvadnya Tractors,
Partner Ajay Rameshwarrao Dhole
and anr. ..Respondents

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Mr.S.V.Adwant, advocate for appellant

Mr.V.Y.Patil, advocate for respondent nos.1 and 2

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CORAM : M.T. JOSHI, J.
DATE : DECEMBER 07, 2015

PER COURT :

Heard.

2] Learned Judicial Magistrate F.C., Court NO.7,
Aurangabad has acquitted the present respondents
in S.C.C. No.164 of 2011 from the offence

punishable under Section 138 of the Negotiable Instruments Act *inter alia* on the defence of the respondents that in fact, the cheque in question was issued to M/s. Force Motors Ltd. and not present applicant i.e. the dealer who had sold four tractors to present respondents for an amount of Rs.13,95,237.48.

3] Considering the fact that an arguable case is made out, leave to file the appeal, is hereby granted. Present application is allowed and disposed of accordingly.

4] The appeal be registered as per the due procedure of law.

5] The appeal is **admitted**.

6] Learned counsel for the respondents waives notice upon admission of the appeal.

7] Action under Section 390 of the Code of Criminal Procedure be taken against the respondents. Learned Judicial Magistrate F.C. to release the respondents on bail upon their executing P.R. Bond in the sum of Rs.20,000/- (Rs.Twenty Thosuangd) each and also upon furnishing surety each in the like amount, to secure their present in this Court.

8] Humdast allowed.

9] Liberty to move for early hearing of the appeal to both sides.

[M.T. JOSHI, J.]