

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

Office Memoranda of appearance, directions and orders.	Notes, of Court's orders and Registrar's	Office Coram, orders or Registrar's	Court's or Judge's orders.
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CRIMINAL APPLICATION NO. 5498 OF 2014

TRIDAL MAJI SAHAKARI PAT SNSTHA LTD BRACH AMBAJOGAI
VERSUS
DATTATRAYA S/O RAMBHAU SAKHARE

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Advocate for Applicant : Mr. R D Khadap
Advocate for Respondent: Mr. P.B.Kadam, Advocate h/f Mr. S. J. Salunke.

CORAM: T. V. NALAWADE, J.
DATED: 31st JULY. 2015.

PER COURT:

1. The application is filed for grant of leave under section 378 (4) of Cr.P.C.
2. Heard learned counsel for the Applicant. Some hearing was given to the learned counsel for the accused also.
3. Seen the judgment delivered by learned J.M.F.C., Ambajogai. Learned J.M.F.C. has held that the period of limitation applicable to the present case is 3 years when the complainant is a credit cooperative society and when there is a record of settlement of account of the society and on the

basis of such settlement of account the cheque was issued. Further, the learned J.M.F.C. has read some account entries and discrepancy in the account entry is discussed. It appears that on subsequent date less amount was shown to be due. It cannot be said that false account entries are made by the society. When it is credit cooperative society some entries are made for adjustment, and some entries are made even by transfer entries in the other accounts. In view of these possibilities and as there is no other defence, this Court holds that there is good arguable case to the society to challenge the decision of acquittal for offence under section 138 of Negotiable Instruments Act.

2. In the result, the application is allowed. Leave is granted.
3. The appeal is admitted.
4. Learned counsel for the Respondent, accused waives notice, after admission.
5. Call R. & P.

[T. V. NALAWADE, J.]

Dt.31/07/2015
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