

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

CRIMINAL APPLICATION NO. 5113 OF 2013

The State of Maharashtra
Through :Shrirampur City
Police Station.

...Applicant
(Ori. Complainant)

versus

Raman Ratanchand Mutha,
Age: 61 years, Occu: Business,
R/o Main Road, Shrirampur,
Tal. Shrirampur, Dist. Ahmednagar.

...Respondent
(Ori. Accused)

.....
Smt. R.K. Ladda, A.P.P. for Applicant
.....

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

DATED : 3rd FEBRUARY, 2015

Order :-

1. Heard learned Additional Public Prosecutor. Perused the record.
2. According to the prosecution, informant Meman Abdul Sattar Haji Abba Hussein filed complaint that he started construction of shopping complex and he was in financial difficulty, and so he obtained loan from respondent-accused

at 4.5% p.m. interest. The prosecution appears to have been brought against respondent-accused that he was money lender. The trial court discussed the evidence brought on record, which was only of P.W.2., P.W.1 being panch. Even Investigating Officer was not examined. The trial court discussed the evidence regarding the proceedings under section 138 of the Negotiable Instruments Act, which was between informant and present the respondent-accused. It appears that the respondent-accused had filed affidavit of examination-in-chief in Special Civil Suit No. 45 of 2006, in which it was mentioned that the accused gave financial help to informant from his closest friend by taking money from them. Trial court considered this also. Considering the evidence the trial court come to the conclusion that offence under Bombay Money Lenders Act, 1946 was not proved and acquitted the accused.

3. Learned Additional Public Prosecutor submits that there was evidence of informant against respondent - accused, so accused should not have been acquitted. However, looking to the reasonings recorded by the trial court, and that no other instance of money lending was also proved, the case

for interference is not made out. A.P.P. is unable to show that the reasonings are not supported by evidence.

4. As such, application stands rejected.

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

MTK