

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

CRIMINAL APPLICATION NO. 5651 OF 2014

Madhav Balu Mule ...Applicant

versus

Shri Dattu Kisan Gore ...Respondent

.....
Mr. V.V. Tarde, Advocate for Applicant
.....

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

DATED : 2ND FEBRUARY, 2015

Order :-

1. Heard learned counsel for applicant-original complainant. Perused the record.

2. The complainant claims to have given cash hand loan of Rs. 2,80,000/- on the basis of alleged "*NateSambadh*". It is claimed that accused agreed to return the amount within six months as he was in need of money. Accused did not return the money and when demanded, accused issued disputed cheque. The accused took defence that he had asked for Rs.20,000/-, and as security the complainant had taken two blank cheques, but complainant did not arrange even that money. The trial court discussed the evidence

and observed that such huge amount could not have been given by prudent person without having any assurance in the form of documents. The complainant even did not know as to what was need of the respondent-accused. Examining the evidence, the trial court concluded that existence of legally enforceable debt was not made out and acquitted the accused.

3. Learned counsel submits that the respondent-accused did not make any complaint of misuse of blank cheque issued.

4. Going through the evidence available as well as the Judgment and reasonings recorded by the trial Court, the view taken by the trial Court is possible view of the evidence available and once acquittal is recorded, it will not be appropriate to interfere.

5. There is no substance in the Application. The Criminal Application stands rejected.

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