

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

**CRIMINAL APPLICATION NO.5354 OF 2013**

Dhule Vikas Sahakari Bank Ltd., Dhule  
Through Dattatraya Chotulal Warma,  
Age: 40 yers, Occ: Service,  
R/o. Opp. Dhule Municipal Corporation,  
near Jijamata High School, Dhule. ...Applicant

versus

Shivam Fertilizers  
Through its Proprietor  
Chunilal Dhanraj Shirsath,  
Age: 50 years, Occ: Business,  
R/o. Nyahalod, Tq. & Dist. Dhule. ...Respondent

.....  
Mr. Vishnu Madan, Advocate h/f Mr. Amol S. Sawant, Advocate for  
applicant  
Mr. Shrikant S. Patil, Advocate for respondent  
.....

**CORAM : M.T. JOSHI, J.**

**DATE : 7<sup>th</sup> OCTOBER, 2015**

**ORAL ORDER :**

Heard both sides.

2. Aggrieved by the acquittal of the respondent from the offence punishable under Section 138 of the Negotiable Instruments Act, the applicant wants to file appeal and therefore, present application for leave to file appeal is preferred.

3. The evidence on record would show that present applicant/complainant has failed to file documents regarding loan transaction and even extract of account of the complainant credit society and taking into consideration the defence that only as a security, blank cheque was obtained at the time of sanction of the loan, learned Judicial Magistrate, First Class, Dhule acquitted the present respondent.

The record would further show that after evidence was closed, present appellant vide Exhibit-52 has attempted to file certain documents but even he did not apply for permission to lead additional evidence after closure of evidence.

4. In that view of the matter, no fault can be found in the reasoning of the learned Judicial Magistrate, First Class, Dhule. The application for leave to file appeal is dismissed. Leave refused.

**[ M.T. JOSHI, J. ]**