

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

CRIMINAL APPLICATION NO. 5787 OF 2014

Udhavrao Kashinath Edki,
Age : 75 years, Through
General Power of Attorney
Chandrashekhar Udhavrao Edki,
Age 41 years, Occup. Private Service,
R/o At post Shirpur, Taluka
Shirpur, District Dhule

...Applicant
(Ori. complainant)

versus

1. Pramod S/o Raghunath Bhonge
Age: 40 years, Occu. Business,
R/o in front of Yashwant Balak,
Mandir, Ram Mandir Varche Gaon,
Shirpur, District Dhule.

(Ori. Accused)

2. The State of Maharashtra,

...Respondents

.....
Mr. D.R. Markad, Advocate holding for
Mr. N.K. Kakade, Advocate for Applicant
Mr. B.L. Dhas, A.P.P. for respondent No. 2 State
.....

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

DATED : 15th JANUARY, 2015

Order :-

1. Heard learned counsel for the applicant and learned
Additional Public Prosecutor for respondent No. 2-State,
finally. Perused the record.

2. Learned counsel for applicant submits that the trial court acquitted respondent-accused for the reasons which cannot be accepted. Going through the material available, it can be seen that the trial court considered the fact that the complainant had advanced from time to time an amount of Rs.4,00,000/- to the respondent-accused. It was the case of the complainant that for advance of amount of Rs.4,00,000/-, a cheque was issued, which bounced. The trial court considered that the complaint is silent on the point of specifications of advancement of hand-loan. The trial court considered the defence of the respondent-accused that he had borrowed Rs. 1,00,000/- and he issued a cheque towards security for another transaction, which was misused. The trial court has considered that there is no evidence on the point of advancement of loan to the accused and come to the conclusion that no offence was made out. The trial Court considered the evidence of the complainant's Power of Attorney in paragraph No. 12 and the complainant in paragraph No. 13 and raised certain points and having discussed the evidence in the judgment, held that the offence was not proved.

3. Looking to the reasons recorded and evidence discussed, it is possible view.

4. For the reasons stated above, I do not find that the case is made out to grant leave against acquittal. There is no substance in the application. The Criminal Application stands rejected.

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

MTK