

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

CRIMINAL APPLICATION NO.5808 OF 2014

Kailas Nagri Co-operative Credit
Society Limited, Ahmednagar ... APPLICANT

VERSUS

Arun s/o Vithal Date & anr. ... RESPONDENTS

.....
Shri A.S. Gandhi, Advocate for applicant
Shri N.S. Jaju, Advocate holding for
Shri L.B. Pallod, Advocate for respondent No.1
Shri B.L. Dhas, A.P.P. for respondent No.2.
.....

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

DATED: 12th February, 2015.

ORAL ORDER :

1. Heard. Perused record. Learned counsel for applicant submits that, the complainant is a Credit Co-operative Society and for a loan taken, the respondent No.1- accused was guarantor. The respondent No.1 - accused is husband of the principal borrower. The cheque issued bounced and the trial Court has wrongly acquitted the accused. Learned counsel submits that, the trial Court directed payment of compensation by the complainant and directed that if the compensation of Rs.10,000/- is not paid, the representative of the complainant

Society will suffer simple imprisonment for 15 days. He submits that, no procedure under Section 250 of the Code of Criminal Procedure was followed in this regard and suddenly in the judgment such order was passed.

2. There is arguable case. Leave is granted. Application is converted into Criminal Appeal.

3. Appeal is **admitted**.

4. Learned A.P.P. waives service of notice for respondent No.2/ State after admission of appeal.

5. Action under Section 390 of the Code of Criminal Procedure be taken against the respondent No.1- accused in the trial Court and brief report of compliance be called.

6. Paper Book be got prepared.

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