

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

Criminal Application No.6037 OF 2014

M/s. A.B. Petroleum.

....Applicant.

Versus

Babasaheb Sopan Sarode
And Another.

....Respondents.

Shri. S.S. Rathi, Advocate for applicant.

Shri. U.Y. Bhide, Advocate for respondent No.1.

Smt. M.S. Patni, Additional Public Prosecutor for respondent No.2.

CORAM : T.V. NALAWADE, J.

DATED : 30th July, 2015.

ORDER

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1. The application is filed for grant of leave to file appeal under section 378(4) of the Code of Criminal Procedure. Heard learned counsel for the complainant. Some hearing was given to the learned counsel appointed by the accused.

2. This Court has gone through the reasoning given by the Appellate Court, the Sessions Judge in Criminal Appeal No.74/2008. Acquittal is given by the appellate Court on the ground that the so called hand loan amount of Rs.25,000/ was given in cash and the procedure given by Income Tax Act like giving the amount by cheque was

not followed. The trial Court had convicted the accused, respondents, after considering all the defences. The accused had taken defence that he had taken hand loan but he had repaid the amount and even then the cheque was misused. This Court holds that there is good arguable case in the appeal. So the application is allowed. Leave is granted.

3. The appeal is admitted. Notice, after admission. It is waves by the learned counsel for the accused. Call record and proceeding from the Judicial Magistrate, First Class and copy of the paper book from the Sessions Court.

[T.V. NALAWADE, J.]

mnp/