

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 5650 OF 2013

Kalyanappa Gurusiddappa Solshe

.. Applicant

Vs.

Panchakshari S/o Krushna Chavan

.. Respondent

Mr. Sandeep Swami, Advocate h/f Mr. V.D. Gunale, Advocate for the applicant

Mr. Ashok S. Pavse, Advocate h/f Mr. S.D. Tawshikar, Advocate for the respondent

CORAM : M.T. JOSHI, J.

DATE : 09/10/2015

ORAL ORDER :

1. Heard both sides.
2. The reasoning forwarded by the learned Judicial Magistrate First Class, Lohara would show that there was no mention of even the date of giving the hand-loan.
3. The evidence on record would show that there was vast difference regarding the amount given by way of hand-loan to the respondent. Before the Tahsildar, a statement was made that amount of Rs.40,000/- was given while the complainant deposed that Rs.30,000/- was given to the respondent. It is the case of the respondent

that, in-fact, only Rs.10,000/- were advanced towards the illegal money lending and as security, blank cheque was obtained from him.

4. Considering all the facts on record, in my view, since the learned Judicial Magistrate First Class has taken a reasonable view on the basis of the material before him, grant of leave to file appeal in the proceeding under section 138 of the Negotiable Instruments Act would be an exercise in futility. The Application is therefore dismissed. Leave is refused.

[M.T. JOSHI]
JUDGE

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