

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CRIMINAL APPLICATION NO.5807 OF 2013

Dhanvarsha Urban Co-operative
Credit Society, Jalgaon
through its Recovery Officer
Sanjay Shridhar Sonawane ..Applicant

Versus

Purushottam Totaram Sonawane ..Respondent

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Mr.N.N.Desale, advocate for applicant

Mr.B.S.Deshmukh, advocate for respondent - sole

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CORAM : M.T. JOSHI, J.

DATE : MARCH 18, 2015

PER COURT :

Heard both sides.

2] Being dissatisfied with the order passed by learned Judicial Magistrate F.C., Jalgaon, thereby acquitting the present respondent from the offence punishable under Section 138 of Negotiable Instruments Act, Original complainant has preferred present appeal.

3] The reasoning of the trial Court would show that for want of certified copy of the resolution of the Society and for want of proper service of the notice, acquittal came to be recorded.

4] Arguable questions are raised in the appeal. In the circumstances, leave to file the appeal is granted.

5] The appeal is **admitted**.

6] Action under Section 390 of the Code of Criminal Procedure be taken.

[M.T. JOSHI, J.]

kbp