

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 5915 OF 2015

Prashant Shriram Rathi

Age : 39 years, Occu. : Business,
R/o : Flat No. 5, Shriram Apartment,
Fakirwadi, Diwan Deodi Road,
Aurangabad

.. Applicant
(Orig. Complainant)

Vs.

Anil Kisan Yadav,
Age : 30 years, Occu. : Business,
R/o : Krashna Kamal, Plot No. 47,
Shiv Nagar, Gadiya Vihar Road,
Aurangabad

.. Respondent
(Orig. Accused)

Mr. Jagdish K. Bansod, Advocate for the applicant

CORAM : M.T. JOSHI, J.

DATE : 29/10/2015

ORAL ORDER :

1. Heard.
2. Aggrieved by the acquittal of the respondent from the offence punishable under section 138 of the Negotiable Instruments Act, the original complainant is before this Court.
3. The salient feature of the case itself would show that the present applicant/complainant has admitted

in his cross-examination that he had filed 17 cases under section 138 of the Negotiable Instruments Act against various persons to whom he had paid the hand-loan. It was therefore a case of illegal money lending business.

4. Taking into consideration this fact and other peripheral facts, the learned Judicial Magistrate First Class, Aurangabad has come to the conclusion that the presumption that has arisen due to the passing of the cheque has been rebutted. The learned Judicial Magistrate First Class has taken a reasonable and probable view. In the circumstances, grant of leave to file appeal against the order of acquittal would be an exercise in futility. The application is therefore dismissed.

[M.T. JOSHI]
JUDGE

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