

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.6544 OF 2014

Udyog Khate Karmachari Sahakari
Pat Sanstha Maryadit, Aurangabad

...APPLICANT

VERSUS

Sunil Pandurang Chavan,
R/o-Plot No.8, Ekata Nagar,
West Side of Harsul Jail Compound Wall,
Jatwada Road, Aurangabad.

...RESPONDENT

...
Mr. P.V. Barde Advocate for Applicant.

...

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

DATE : 27TH JULY, 2015

ORDER :

1. Heard learned counsel for the Applicant.
Perused record. Learned counsel submits that the
trial Court held that legally enforceable debt was
not established as according to the trial Court
Applicant had not proved that the Respondent had

misappropriated money against which he had issued cheque. Learned counsel submits that the Applicant has brought on record even the audit report which showed that there was misappropriation of money by the Respondent and the trial Court did not even refer to the said document and came to wrong conclusions.

2. The Respondent served, is absent.

3. Perused the Application, the Judgment and reasonings recorded as well as evidence from the record of the trial Court. There is arguable case. The evidence needs to be reconsidered.

4. As such, Application is allowed. Leave is granted. Application is converted into appeal.

5. Appeal is **Admitted**.

6. Paper Book be got prepared urgently.

7. Action under Section 390 of the Code of Criminal Procedure be taken against the Respondent in the trial Court.

[A.I.S.CHEEMA, J.]

asb/JUL15