

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION [ALP] NO.322 OF 2013

Sadashiv N. Jambhale

..Applicant

Versus

Dr. Mahadev R. Deshmukh and anr.

..Respondents

....

Mr. P.P. Jadhav, for the Applicant.

Mrs. Anamika Malhotra, APP, for the Respondent.

....

CORAM : A. R. JOSHI, J.

DATE : 14th JULY, 2015

P.C.

1. Heard learned Counsel for the applicant/appellant.

The respondent No.1 though served, none present for the respondent No.1.

2. Present application is for leave to file appeal challenging the acquittal of respondent No.1 in the matter of offence punishable under Section 138 of Negotiable Instruments Act. According to the complainant, he advanced a loan of Rs.25 Lakhs to the respondent by way of cheques and cash and the respondent / accused has admitted to repay the amount within six months and executed an agreement to that effect.

Apparently execution of the agreement is not denied by the respondent. But what is his contention is that he received only Rs.5 Lakhs as a loan and had already repaid it and that the cheque given to the complainant by way of security was misuse by him.

3. Considering the case of the parties and the reasoning given by the trial Court, in the opinion of this Court, there is a debatable issue which is required to be dealt in detail at the time of final hearing of the appeal and as such present application for leave is allowed. Appeal is admitted. Call for R & P. Process under Section 390 of Cr.P.C. be initiated against respondent No.1 with directions to the trial Court to grant him bail in the sum of Rs.500/-.

(A. R. JOSHI, J.)

Deshmane (PS)