

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 112 OF 2014

Ramchandra Narayan Erande .. Applicant

v/s.

Sanjay Prabhakar Deshpande & Anr. ..Respondents

Ms. Chandana Salgaocar for the applicant

Mrs. Tejasweeta Bhosale for respondent no.1

Mr. Rajesh More, APP for respondent State

**CORAM: SMT. ANUJA PRABHUDESSAI, J.
DATED: 9th SEPTEMBER, 2015.**

P.C.

1. Heard learned counsels for the respective parties.
2. The applicant, who was the complainant in C.C. No.11306 of 2010 seeks leave to file an appeal against the judgment and order dated 31.12.2013 whereby the learned J.M.F.C., Pune has acquitted the respondent no.1-accused of the offence punishable under Section 138 of the N.I. Act.
3. In the statement under Section 313 of the Cr.P.C. the

respondent no.1 - accused had admitted having taken loan from the applicant complainant and repaid the amount of Rs.4 lakhs towards loan amount as well interest thereon. A perusal of the evidence as well as judgment indicate that *prima facie* the learned Magistrate has not taken into consideration the provisions of Section 118 and 139 of the N.I. Act. Arguable points are raised. Hence, the findings are not *prima facie* justifiable. Hence, leave is granted. Admit.

4. Applicant to execute bail bonds of Rs.10,000/- with one surety in the like amount to the satisfaction of the learned Magistrate.

5. In case parties arrived at any settlement, liberty is granted to move before the Court.

(ANUJA PRABHUDESSAI, J.)

Certificate

Certified to be true and correct copy of the original signed
judgment / order.