

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

CRI. REVISION APPLICATION NO. 251 OF 2014

Umesh Bhalchandra Kulkarni

... Applicant.
(Org.Accused)

V/s.

Amol Uttamrao Jagdale & Anr.

... Respondents.

None for the Applicant.

Mr. Paras Yadav, Advocate for Respondent No.1

Mr. A. S. Shitole, APP for the State.

CORAM : A.V. NIRGUDE, J.

DATE : 09th DECEMBER, 2015.

P.C. :

1 The Applicant and his Advocate are absent. The applicant is on bail.

2 The Applicant is challenging concurrent findings recorded by the courts below that he had committed an offence punishable under section 138 of the Negotiable Instruments Act, 1881. As per the order of this court, the applicant has deposited certain amount in this court.

3 Perused the impugned orders passed by the courts below in a criminal case filed under section 138 of the Negotiable Instruments Act. The respondent is the

complainant in the case. He alleged that the applicant issued a cheque in his favour, repaying the loan but the cheque was bounced and, therefore, after giving notice to the applicant, a complaint was lodged by respondent no.1.

4 The applicant did not sent any reply to the notice issued by respondent no.1. He raised various defences including denial of his signature on the cheque etc.. The courts below held on facts that the cheque was issued for discharging legal liability and that a notice was properly given. The courts below on facts correctly held that the applicant had committed offence under section 138 of the Negotiable Instruments Act. There is no error in the orders of the courts below.

5 The Revision application is dismissed. The bail bond stands cancelled.

6 Issue arrest warrant against the Applicant. The amount deposited in this court and in the Sessions Court, Kolhapur shall be handed over to Respondent No. 1 immediately.

(A.V. NIRGUDE, J.)

.....