

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

CRIMINAL APPLICATION NO. 1223 OF 2015
IN
CRIMINAL APPEAL NO.408 OF 2015

Mohamad Umar Mohamad Usman .. Applicant

v/s.

Majhar Mustaq Shaikh & Anr. ..Respondents

Mr. B.G. Ligade i/b Drupad S. Patil for the applicant
Mrs. R.V. Newton, APP for respondent State

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

P.C.

1. The present applicant is the complainant in C.C. No.1212 of 2011 filed before the learned J.M.F.C. Solapur under Section 138 of the N.I. Act. The said complaint was dismissed by the learned Magistrate by judgment and order dated 05.02.2013, against which the complainant has filed an appeal being Criminal Appeal No.408 of 2015, which is pending before this Court.

2. By this application, the applicant has prayed that the

original cheque and the cheque return memo, produced by him before the trial Court be returned to him as he wants to produce the same before the learned Civil Judge, Junior Division, Solapur in civil proceedings. The records and proceedings of the trial Court are pending before this Court. Since the original cheque No.000004, dated 01.05.2011 and cheque return memo dated 04.05.2011, produced by the applicant before the trial Court are required to be produced before the learned Civil Judge, Junior Division, Solapur in civil proceedings, the same are ordered to be returned to the applicant on furnishing true copy of the said cheque and cheque return memo. The said true copies of the cheque and cheque return memo shall be placed in the record and proceedings of the trial Court in place of the original cheque and cheque return memo.

3. The Criminal Application is disposed of.

(ANUJA PRABHUDESSAI, J.)