

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 72 OF 2016

Kakasaheb s/o Atmaram Katare ...Applicant

versus

Syed Khaja s/o Syed Ajj ...Respondent

.....
Mr. S.A. Gaikwad, Advocate for applicant
.....

CORAM : N.W. SAMBRE, J.

DATE : 10th JUNE, 2016

ORAL ORDER :

Heard.

2. In view of law laid down by the Apex Court in the matter of ***Rangappa vs. Sri. Mohan*** reported in ***2010(2) Mah. L.R. 659 (SC)*** it is brought to my notice that the notice issued by the complainant was not responded to by non-applicant – accused which issue is not at all dealt with by learned Magistrate while dealing with the complaint.

3. Apart from above, presumption that cheque was issued for admitted debt was also not dealt with.

4. In view of above, leave granted.

[N.W. SAMBRE, J.]