

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

CRIMINAL APPLICATION NO. 471 OF 2015

Pawankumar s/o Tarachand Sakla

...Applicant

VERSUS

Karamjeetsingh s/o Charanjeetsingh and anr.

...Respondents

.....

Shri P.F.Patni, advocate for applicant

Shri R.S.Shinde, advocate for respondent no.1

Shri S.D.Ghayal, A.P.P. for respondent no. 2/State

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CORAM : INDIRA K.JAIN, J.

DATED : 21st APRIL, 2016

ORDER :

This is an application under Section 378(4) of the Code of Criminal Procedure seeking leave to appeal against the judgment and order dated 19.12.2014 passed by the learned Judicial Magistrate, First Class, Aurangabad in S.C.C. No. 982 of 2014.

2] Heard Shri P.F.Patni, learned counsel for applicant, Shri R.S.Shinde, learned counsel for respondent no.1 and Shri S.D.Ghayal, learned A.P.P. for respondent no.2. Perused record.

3] It can be seen from the impugned judgment and order that locus of complainant to file complaint under Section 138 of the Negotiable Instruments Act was challenged by accused. Complainant has specifically stated in his evidence that he is Proprietor of M/s Pawan Agencies, Mondha, Aurangabad dealing in

electric coolers and other accessories.

4] Another reason recorded by Trial Court to negative the claim of complainant is that complaint was barred by limitation. It appears that observations in para 22 of the judgment are not in consonance with the record.

5] In the above premise, this Court finds that applicant has an arguable case. Hence the following order.

ORDER

- (i) Criminal Application No. 471 of 2015 is allowed.
- (ii) Leave granted.

[INDIRA K.JAIN, J.]

dbm/crap471.15