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

CRIMINAL APPLICATION NO. 1076 OF 2016

Dinkar s/o Vinayak Deshmukh ..APPLICANT

VERSUS

Nehru s/o Shankarrao Salunke ..RESPONDENT

Mr P. D. Suryawanshi, Advocate for applicant;

CORAM : N.W. SAMBRE, J.

DATE : 8th June, 2016

ORAL ORDER :

The applicant, original complainant in S. T. C. No. 19 of 2012, wherein complainant's case came to be initiated for the offences under provisions of Section 138 of the Negotiable Instruments Act against non-applicant for dishonour of cheque for amount of Rs. 4,00,000/-.

2. It is the case of the applicant that the said amount of Rs. 4,00,000/- was given as a hand loan by the applicant to the non-applicant as they have cordial relations including that of business relations.

3. The learned Judicial Magistrate First Class has dismissed the complaint vide judgment and order dated 15th December, 2015 by observing that the complainant has failed to show the source of Rs. 4,00,000/-. Apart from above, it is observed by the learned Magistrate that

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there is doubt as regards issuance of cheque of admitted date.

4. With the assistance, I have perused the entire judgment and observations made therein by the learned Magistrate.

5. The applicant has given admission that there was transaction in relation to the plot which the complainant sold to the applicant-accused. Apart from above, in view of the observations made by the learned Magistrate as regards the defence established by the accused, in my opinion, no case for grant of leave is made out. As such, application fails and same stands dismissed.

(N.W. SAMBRE, J.)

sjk