

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

CRIMINAL APPLICATION NO. 1267 OF 2016

THE VAIDYANATH URBAN COOPERATIVE BANK LIMITED
VERSUS
TULSHIRAM S/O. SAMBHAJI SOMVANSHI AND ANR.

...

Advocate for Applicant : Mr. Govind Kulkarni holding
for Mr. Rajendra S. Deshmukh
APP for Respondent No.2 State: Mr. P. N. Kutti

CORAM : A.I.S. CHEEMA, J.

DATE : 06th May, 2016

ORDER:

1. Heard Advocate Mr. Govind Kulkarni holding for Mr. Rajendra Deshmukh for the applicant and learned A.P.P. for the State.

2. This is an Appeal against acquittal. The original complainant is a Cooperative Bank which had approved loan for purchase of Tractor and it is stated by the counsel that inspite of proving the concerned documents of account and also the loan documents and the cheque which was issued, the trial Court wrongly acquitted the accused.

3. Reasonings include expectations like when accused come to the Bank, before whom request was made

etc. According to learned counsel material evidence was required to be appreciated and resorting to irrelevant details, the material facts are lost sight of. There was a loan transaction and after verifying the account, the accused did issue cheque which bounced.

4. Looking to the judgment of the trial Court, there appears to be arguable case. The application is allowed. Leave granted. The application is converted in to Appeal.

5. Appeal is **Admitted**.

6. Learned A.P.P. waives service of notice for respondent No.2 /state after admission of the appeal.

7. Printing dispensed with. Paper Book be got prepared.

8.(A) Action under Section 390 of the Code of Criminal Procedure be taken against respondent No.1 accused in the trial Court.

(B) At the time of releasing the applicant-accused on bail, the trial court shall add condition of accused marking presence in the trial Court every

three months, till disposal of the Criminal Appeal.
The trial court shall yearly send report in January of
marking presence by accused in this regard to this
Court till disposal of the appeal.

(A.I.S. CHEEMA, J.)

JPC