

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

CRIMINAL APPLICATION NO. 1246 OF 2015

Manager, Mr Sanjay Sudhakar Waghmare,
Motel Cozy Cottage,
Dealer of Bharat Petroleum Corporation Ltd.,
Akashawani Chowk, Omkareshawar Temple Road,
Jalgaon, Tq. & Dist. Jalgaon ...Applicant

versus

Sanjay Rama Warade & anr. ...Respondents

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Mrs Chaitali Kutti, Advocate h/f Mr. Prasanna Kutti, Advocate for applicant
Mr. Amit S. Deshpande, Advocate for respondent No. 1
Mr. D. V. Tele, A.P.P. for respondent No. 2

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CORAM : N.W. SAMBRE, J.

DATE : 17th MARCH, 2016

ORAL ORDER :

Learned Judicial Magistrate, First Class, Jalgaon in Summary Criminal Case No. 1480 of 2010 initiated by the applicant for the offence punishable under Section 138 of the Negotiable Instruments Act has dismissed the complaint and acquitted the respondent-accused.

2. Upon perusal of the judgment, it depicts that though the applicant holds negotiable instruments, in stead of considering presumption under Negotiable Instruments Act against accused person, learned Magistrate has shifted burden on the applicant.

3. In view thereof, leave to file an appeal stands granted.
4. Appeal ***Admit.***
5. Learned Counsel appearing on behalf of respondent No. 1 waives for him and learned A.P.P. waives service for respondent No. 2.
6. Action under Section 390 of Code of Criminal Procedure to follow.

[N.W. SAMBRE, J.]