

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

CRIMINAL APPLICATION NO.1490 OF 2016

Monali Datta Bansode ... APPLICANT

VERSUS

Sunil s/o Digambarrao Hundekar
and others ... RESPONDENTS

.....
Shri A.D. Kasliwal, Advocate for applicant
Shri A.S. Bayas, Advocate for respondent No.1
Shri R.V. Dasalkar, A.P.P. for State
.....

CORAM: N.W. SAMBRE, J.

DATED: 21st October, 2016.

ORAL ORDER :

1. The petitioner is accused No.2 in a proceeding issued for an offence punishable under Section 138 of the Negotiable Instruments Act read with Section 420 of the Indian Penal Code.

2. The petitioner has relied upon the judgment of the

Apex Court in the matter of **Mrs. Aparna A., Shah Vs. M/s Sheth Developers Pvt. Ltd. and Anr.**, reported in **AIR 2013 SUPREME COURT 3210.**

3. In view of the law cited above, Mr. Bayas, the learned counsel for the respondent No.1 (original complainant) upon instructions, makes a statement that the complaint for an offence punishable under Section 138 of the Negotiable Instruments Act read with Section 420 of the Indian Penal Code will be confined to the extent of accused No.1 i.e. Datta Govindrao Bansode.

4. The statement is accepted. It is accordingly ordered that, the complaint being Criminal Complaint Case No.918/2014 pending on the file of Chief Judicial Magistrate, Osmanabad shall be confined only to the extent of accused No.1 i.e. Datta Govindrao Bansode.

5. The Criminal Application as such stands allowed and disposed of in above terms.

6. A joint request is made by the parties that the hearing of the S.C.C. No.919/2014 before the learned trial Court

be expedited as the matter is pending for about two years. In view of above request, the hearing of S.C.C. No.919/2014 before the learned trial Court is expedited.

(N.W. SAMBRE, J.)

fmp/cr1490.16