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

**CRIMINAL REVISION APPLICATION NO.99 OF 2016
WITH
CRIMINAL APPLICATION NO.2068 OF 2016**

Himmat Baburao Gaikwad,
Age : 60 years, Occ. Labour,
R/o Velhane Khurd,
Tq. Parola, Dist. Jalgaon

..APPLICANT
(Ori. Accused)

VERSUS

1. Suresh Aanadraj Jain,
Age : 58 years, Occ. Business,
R/o Bajarpeth, Chopda,
Tq. Chopda, Dist. Jalgaon

2. The State of Maharashtra

..RESPONDENTS

Mr R.C. Patil, Advocate for applicant;
Mr A.P. Bhandari, Advocate for respondent no.1;
Mr R.V. Dasalkar, Addl. Public Prosecutor for respondent no.2

CORAM : N.W. SAMBRE, J.

DATE : 31st August, 2016

ORAL ORDER :

Heard.

2. The applicant was convicted by learned Judicial Magistrate First Class, Chopda, vide judgment and order dated 2nd December, 2014, for offence punishable under section 138 of the Negotiable Instruments Act, in SCC No.276 of 2008 and sentenced to suffer simple imprisonment for two

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months. Against the said judgment, the applicant preferred Criminal Appeal No.29 of 2014, which came to be dismissed by learned Additional Sessions Judge, Amalner, vide order dated 8th January, 2016, for want of paper-book. Learned Additional Sessions Judge also ordered issuance of non-bailable warrant against the present applicant.

3. The applicant undertakes to deposit an amount of Rs.80,000/- in this Court as against dishonoured cheque of Rs.1 Lac.

4. Mr Patil, learned Counsel appearing on behalf of the applicant informs at bar that that the applicant, in addition to above, has already deposited an amount of Rs.20,000/-.

5. In view of above, after having heard the respective learned Counsel, in my opinion, in the interest of justice, the order dated 8th January, 2016, passed by learned Additional Sessions Judge, Amalner, in Criminal Appeal No.29 of 2014, deserves to be set aside. Hence, following order :-

The order dated 8th January, 2016, passed by learned Additional Sessions Judge, Amalner, in Criminal Appeal No.29 of 2014, deserves to be set aside.

The matter is remitted back to learned Additional Sessions Judge, Amalner, who shall decide the same on merits.

(3)

Parties hereto agree that they shall appear before learned Additional Sessions Judge, Amalner on 19th September, 2016.

The amount of Rs.80,000/- deposited in this Court be remitted to the court of learned Additional Sessions Judge, Amalner.

The applicant – appellant shall file private paper-book by the next date, i.e. 16th September, 2016 before the court of learned Additional Sessions Judge, Amalner.

If the paper-book is not filed within the stipulated period, learned Additional Sessions Judge will be at liberty to issue non-bailable warrant against the applicant.

With above observations, Criminal Revision and Criminal Application stand disposed of.

(N.W. SAMBRE, J.)

amj