

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

CRIMINAL APPLICATION NO.2605 OF 2015

Ratnadeep Nagari Sahakari Patpedhi Ltd.
and another ... APPLICANTS

VERSUS

Dr. Subhash s/o Namdeo Sonwane
and others ... RESPONDENTS

.....
Ms Chinmayee Deshpande, Advocate holding for
Shri S.V. Nattu, Advocate for applicants
Shri Hemant Surve, Advocate for respondent
Shri A.M. Phule, A.P.P. for State
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CORAM: A.I.S. CHEEMA, J.

DATED: 27th April, 2016.

ORAL ORDER :

1. Heard learned counsel for the applicants - original complainants. This application has been filed against acquittal of the respondents - accused. The learned counsel submitted that, the trial Court erred in acquitting the accused persons when there was sufficient evidence regarding the transaction between

the parties and the fact that the cheque issued had bounced. The cheque had been handed over to the complainant No.2 Laxman by accused Subhash Namdeo Sonwane and the cheque had bounced and thus, offence was made out. According to the learned counsel, the application may be allowed as the reasonings recorded by the trial Court are required to be reappreciated.

2. Learned counsel for the respondents - accused submitted that the record itself shows and there is no dispute regarding the fact that the cheque concerned was issued from the account of accused No.4 and that cheque had bounced. The agreement, however, was with M/s Nitin Dairy. Although Nitin Dairy was earlier added as accused, it was subsequently deleted and thus, according to the counsel, the conviction could not be recorded in such matter.

3. Going through the material, it can be seen that, if the cheque had been issued from the account of accused No.4, but agreement relied on was with accused Nos.1 and 2, who were deleted, the acquittal is difficult to fault. Trial Court also found in para 18 of the judgment that complainant failed to show that

complainant No.2 had authority to take legal action in the matter. Prima facie the reasons recorded by the trial Court appear to be in order and no case is made out to interfere.

4. Leave is declined. Criminal Application stands rejected.

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

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