IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

CRIMINAL APPLICATION NO. 2926 OF 2015

VASANT S/O PANDURANG GADE
VERSUS
RAMPRASAD ABARAO NARAWADE

...

Advocate for Applicant : Mr. Prasad Kadam, h/f Mr. Sudarshan J. Salunke.
Advocate for Respondent : Mr. Rajendra G. Hange.

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CORAM : **INDIRA K. JAIN, J.**
DATE : 11th April, 2016.

P.C.:

. This is an application under Section 378 (4) of the Code of Criminal Procedure seeking leave to appeal against the judgment and order dated 2nd March, 2015 passed by the learned Judicial Magistrate First Class, Georai, District Beed in Summary Criminal Case No.612 of 2007 acquitting the Accused of the offence punishable under Section 138 of the Negotiable Instruments Act.

2 Heard the learned counsel for parties. Perused impugned judgment and order passed by Trial Court.

3 It can be seen from the reasons recorded by Trial Court that on facts Complainant had succeeded but for want of compliance of statutory notice his case failed. Notice is proved at Exhibit 32.

Address of Accused mentioned in notice (Exhibit 32), envelop (Exhibit 33) and complaint clearly indicates that Complainant was not sure about the address of Accused. In cross-examination Complainant stated that at the time of transaction Accused was residing beside the hospital of Dr. Giri on ITI road at Beed. Notice could not be served for want of proper address. In such a situation even if leave is granted no purpose would be served. Hence the following order –

O R D E R

Criminal Application No.2926 of 2015 stands dismissed.

[INDIRA K. JAIN, J.]

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