

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

CRIMINAL APPLICATION NO. 3802 OF 2014

DEOGIRI NAGRI SAHKARI PATSANSTHA MARYADIT, AURANGABAD
VERSUS
VAJIR KHAN S/O JABBAR KHAN PATHAN AND ANOTHER

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Advocate for Applicant : Mr. Mohsin Khan Pathan.
APP for Respondent No.2 : Mr. S. N. Morampalle.

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CORAM : **INDIRA K. JAIN, J.**
DATE : 22nd April, 2016.

P.C.:

. This is an application under Section 378 (4) of the Code of Criminal Procedure by the Applicant / original Complainant for leave to appeal against the judgment and order dated 8th May, 2014 passed by the learned Judicial Magistrate First Class, Aurangabad in S.C.C. No.5564 of 2013 acquitting the sole Accused of the offence punishable under Section 138 of the Negotiable Instruments Act.

2 Heard Mr. Mohsin Khan Pathan, learned counsel for Applicant. None for Respondent No.1. Mr. S. N. Morampalle, learned APP is present for Respondent No.2 / State. Perused impugned judgment and order.

3 It appears from the findings recorded by Trial Court that except

locus of Complainant all other points have been held as proved by Complainant. In view of this, this Court finds that Complainant has an arguable case. Hence the following order –

ORDER

- I. Criminal Application No.3802 of 2014 is allowed.
- II. Leave granted.
- III. Appeal is **Admitted**.
- IV. Mr. S. N. Morampalle, learned APP waives service of notice for Respondent No.2.
- V. Action under Section 390 of the Code of Criminal Procedure.
- VI. Call record and proceedings.

[INDIRA K. JAIN, J.]

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