

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

CRIMINAL APPLICATION NO.4489 OF 2014

Bhaskar Uttamrao Khandagale

..Applicant

Versus

Premchand Chhannulal Baretiye
(Chaudhari) and anr.

..Respondents

Mr P.B. Waghmare, Advocate for applicant
Mr Balraj Pande, Advocate for respondent No.1
Mr D.V. Tele, A.P.P. for respondent No.2

CORAM : N.W. SAMBRE, J.

DATE : 22nd March 2016

PER COURT

1. This is an application under Section 378 of Cr.P.C. for grant of leave to appeal.
2. The respondent No.1 - accused is acquitted of the offence punishable under Section 138 of the Negotiable Instruments Act.
3. Perused the judgment of learned Magistrate. It is required to be noted that the presumption as provided under Section 139 of the Negotiable Instruments Act and the testimony of the witness of accused namely Raju, in my opinion, requires to be reappreciated.
4. In view thereof, leave granted. Application be treated as appeal.
5. Action under Section 390 of Cr.P.C. to follow.

(N.W. SAMBRE, J.)

vvr