

CRIMINAL APPLICATION NO.4272 OF 2015

VERSUS

Shri A.A. Shelke, Advocate holding for
Shri N.D. Narwadkar, Advocate for applicant
Shri A.N. Sabnis, Advocate for respondent

DATED: 15th February, 2016.

1. Heard learned counsel for the applicant and learned counsel for the respondent. Perused record. Going through the reasonings recorded by the trial Court in paras 10 and 11 of the judgment, it appears that, the reasonings recorded by the trial Court are required to be reappreciated. The accused was serving in the Bank and claimed to have repaid the amount without showing any record, and the trial Court appears to have branded

the complainant as money lender on the reasoning that, instead of resorting to civil remedies, when the cheque bounced, he resorted to provisions of Section 138 of the Negotiable Instruments Act. It appears necessary to reappreciate the evidence and record. As such, leave is granted. Criminal Application is disposed of.

2. Criminal Appeal is admitted.
3. Paper Book be got prepared.
4. Action under Section 390 of the Code of Criminal Procedure be taken against the respondent – accused in the trial Court.
5. Mr. Sabnis, learned counsel waives service for the respondent after admission of appeal.

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