

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.4348 OF 2015

Nazir s/o Sultan Shaikh,
Age-38 years, Occu:Business,
R/o-Nivagha, Tq-Mudkhed,
Dist-Nanded.

...APPLICANT

VERSUS

Jagirdar Liyakat Abdul Rasheed,
Age-55 years, Occu:Veterinary Doctor,
R/o-Khadki Ghat, Tq. & Dist-Beed.

...RESPONDENT

...

Mr. A.M. Gaikwad Advocate for Applicant.

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CORAM: A.I.S. CHEEMA, J.

DATE : 15TH FEBRUARY, 2016

ORDER :

1. Heard learned counsel for the Applicant.

Perused Judgment of the trial Court.

2. It appears that the Respondent-accused
had returned an amount of Rs.1,00,000/- (Rupees

One Lakh) on 13th March 2012 and another amount of Rs.3,00,000/- (Rupees Three Lakh) on 18th April 2012 by depositing the same in the account of the complainant but still notice was given on 30th April 2012 when cheque of Rs.9,00,000/- (Rupees Nine Lakh) is stated to have bounced. The Judgment of the trial Court has discussed in details the amount which the Respondent-accused paid in the account of Complainant subsequent to the notice of 9th May 2012 of Rs.1,00,000/- (Rupees One Lakh) which was paid before filing of the criminal case and further deposits after filing of the criminal case which appear to have been accepted. Of course the accused tried to also show that there were certain payments made from the accounts of other persons like Mujawar, Nazimulla or his wife. Learned counsel says that those persons were not examined. However, ignoring those payments, it appears difficult to interfere with the acquittal recorded by the trial Court considering the payments made by Respondent-accused. The

complainant even after receiving certain repayments, appears to have gone ahead to press bouncing of cheque of Rs.9,00,000/- (Rupees Nine Lakh). When the cheque of Rs.9,00,000/- (Rupees Nine Lakh) was tendered in Bank it cannot be said that at that time there was legally recoverable debt outstanding of Rs.9,00,000/- (Rupees Nine Lakh). The reasonings recorded by the trial Court are possible view of the matter, hence no interference is required in the acquittal.

3. There is no substance in the Application. The Application is rejected.

[A.I.S.CHEEMA,J.]