

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**BENCH AT AURANGABAD****CRIMINAL APPLICATION NO.4388 OF 2015**

Krishi Pandit Mohanlal Lodha Gramin
Bigarsheti Sahakari Pat Sanstha Maryadit
Pahur Kasbe, Tq-Jamner, Dist-Jalgaon,
Through Amit Kaduba Patil,
Age-36 years, Occu:Service,
R/o-Pahur Kasbe, Tq-Jamner,
Dist-Jalgaon.

...APPLICANT**VERSUS**

Jijabrao s/o Shankar Patil,
Age-60 years, Occu:Agriculturist,
R/o-Wadali, Tq-Jamner,
Dist-Jalgaon.

...RESPONDENT

...
Mr. V.G. Sakolkar, A.P.P. for Applicant.
...

CORAM: A.I.S. CHEEMA, J.**DATE : 15TH FEBRUARY, 2016****ORDER :**

1. Heard learned counsel for the Applicant.
Learned counsel for the Applicant submits that the

Judgment of the trial Court is not maintainable. It is stated that the trial Court has wrongly dismissed the complaint on technical ground that PW-1 did not have authority to file complaint. It is stated that PW-1, who has filed complaint, was duly authorized and the order of the trial Court requires to be interfered with.

2. The Applicant has filed copy of the Judgment along with the documents from the record of the trial Court. Learned counsel for the Applicant has tendered copy of Exhibit 129 for my perusal and relying on the same, the learned counsel submitted that an amount of Rupees Forty Thousand was advanced to the Respondent - accused on 6th April 2000 and another amount of Rupees Five Thousand was advanced on 7th April 2000. It was agricultural loan. The Respondent did not repay any amount and subsequently a cheque dated 1st February 2005 was issued by the Respondent -accused, which when presented, bounced. Thus,

according to the learned counsel the impugned Judgment of the trial Court of acquittal needs to be interfered with.

3. Going through the material, it can be seen that loan advanced in April 2000 of Rupees Forty Five Thousand mounted to Rupees One Lakh Five Thousand Six Hundred Seventy by the time complaint was filed in 2005. The interest calculated is of 21%. The learned counsel for the Applicant is unable to show that the Respondent issued any acknowledgement accepting the liability in the period of limitation after the advancement of the agricultural loan. As such the cheque dated 1st February 2005 was itself for a time barred amount. It cannot be said that time barred claim is legally recoverable debt. In this view of the matter and looking the reasons recorded by the trial Court while acquitting the Respondent - accused, I do not think that grounds are made out to interfere with the acquittal.

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

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

asb/FEB16