

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

CRIMINAL APPLICATION NO.5366 OF 2014

Gopal Rajlingaya Lingampally

..Applicant

Versus

Santosh Rameshwar Agrawal

..Respondent

Mr M.M. Bhokariker, Advocate for applicant

Mr S.S. Rathi, Advocate for respondent

CORAM : N.W. SAMBRE, J.

DATE : 22nd March 2016

PER COURT

Heard learned Counsel for the respective parties.

2. Upon perusal of the judgment of acquittal delivered on 28th July 2014 by the learned Judicial Magistrate, First Class, Parbhani in S.C.C. No.2306 of 2006, prima facie it is required to be noted that the observations are contrary to the provisions of Section 139 of the Negotiable Instruments Act.

3. In view thereof, leave granted. Application be treated as appeal.

4. Admit. Mr Rathi, learned Counsel waives notice for respondent.

5. Action under Section 390 of Cr.P.C. to follow.

(N.W. SAMBRE, J.)

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