

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 5621 OF 2014
(Mahadeo s/o Ramkrishna Jadhav Vs. Wazir Tajoddin
Shaikh)

Mr. Santosh N. Patne, Advocate for the applicant
Mr. R.V. Naiknaware, Advocate for the respondent

CORAM : M.T. JOSHI, J.
DATE : 14/01/2016

ORAL ORDER :

1. Heard both sides.
2. Considering the admission of the defence witness and as the conclusion by the learned Judicial Magistrate First Class that the cheque was returned for over-writing, alterations, is to be re-examined as there is no evidence in this regard on record, in my view, arguable case is made out for grant of leave.
3. In the circumstances, leave to file appeal against acquittal of the respondent from the offence punishable under section 138 of the Negotiable Instruments Act is hereby granted. The application is accordingly allowed and disposed of.

[M.T. JOSHI]
JUDGE