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

**CRIMINAL APPLICATION NO.5172 OF 2016
WITH
CRIMINAL APPLICATION NO.5173 OF 2016**

Shrikant s/o Madhav Nagargoje

..APPLICANT

VERSUS

Ratna Auto Comps Pvt. Ltd. & ors.

..RESPONDENTS

Mr R.N. Dhorde, Senior Advocate, instructed by Mr Vijay B. Patil, Advocate
for applicant

CORAM : N.W. SAMBRE, J.

DATE : 20th September, 2016

ORAL ORDER :

Having heard Mr Dhorde, learned Senior Counsel appearing on behalf of the applicant, it is brought to my notice that the cheque in question was issued in the name of individual i.e. the present applicant, who is original complainant in a case for offence punishable under section 138 of the Negotiable Instruments Act.

2. The learned Magistrate, while dismissing the complaint and acquitting the accused, has observed that since the cheque was issued in the name of firm of which the preset applicant is a partner and such cheque was issued towards satisfaction of the claim arising out of the dues payable out of the partnership firm. It is to be noted from the judgment of the Apex Court, in the matter of **Milind Shripad Chandurkar vs. Naimulla M. Khan & anr.**, reported in **2011 (3) Scale 290**, on which reliance is

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sought to be placed by the learned Magistrate, that the cheque in the said case was issued in the name of the firm and not individual.

3. In view thereof, leave granted.

4. **Admit.**

(N.W. SAMBRE, J.)

amj