

(1)

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

CRIMINAL APPLICATION NO.6208 OF 2015

Prakash s/o Vankatrao Sarvade ..APPLICANT

VERSUS

Ram s/o Laxman Gaikwad & anr. ..RESPONDENTS

Mr P.M. Shinde, Advocate for applicant;
Mr V.B. Dhage, Advocate for respondent no.1;
Mr N.T. Bhagat, Addl. Public Prosecutor for respondent no.2

CORAM : N.W. SAMBRE, J.

DATE : 28th September, 2016

ORAL ORDER :

Learned Judicial Magistrate First Class, Renapur, convicted respondent no.1 – accused for an offence punishable under section 138 of the Negotiable Instruments Act, vide judgment and order dated 17th April, 2012, rendered in S.T.C.C. No.4201 of 2007, which was reversed in appeal by learned Additional Sessions Judge, Latur, in Criminal Appeal No.42 of 2012.

2. The order of reversal of conviction is based on re-appreciation of evidence. In my opinion, case for grant of leave is made out. Hence, leave granted.

3. **Admit.**

(2)

4. Learned Counsel Mr Dhage waives service of notice on behalf of respondent no.1 and learned Addl. Public Prosecutor on behalf of respondent no.2.

5. Action under section 390 of the Code of Criminal Procedure.

(N.W. SAMBRE, J.)

amj