

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

CRIMINAL APPLICATION NO. 6865 OF 2015

**RAJMAL MAHARU SONAWANE
VERSUS
GORAKH BHATU PAWAR & ANR.**

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**Advocate for Applicant : Brahme Shailesh P.
Advocate for Respondents : Kulkarni Abhishek G. for R.no. 1.
APP for Respondents: Mrs.P.V.Diggikar**

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**CORAM : V.L.ACHLIYA,J.
DATE : 18/10/2016**

PER COURT :-

Heard learned counsel for the applicant and respondent.

2] Perused the impugned judgment. It is pointed out that the accused has not disputed the issuance of cheques in question. As per defence the cheques in question were given towards the security of loan of Rs.3 lakhs taken from the complainant. It is a case of the accused that he has made payment of Rs.2,80,000/- and only Rs.20,000/- remained to be unpaid. According to the accused, the cheque which has already lost its validity period of three months, was illegally presented and false case has been filed. Trial Court has held that the accused has adduced sufficient evidence to rebut

presumption under Section 139 of Negotiable Instruments Act. The accused has not stepped into witness box. Wife of the accused has stepped into the witness box to rebut the presumption. In the light of submissions advanced, the case has been made out to grant leave to file appeal. Hence application is allowed in terms of prayer clause "C". Appeal be registered.

3] Learned counsel for the respondent and APP waive notice of appeal. Call for record and proceeding.

(V.L.ACHLIYA,J.)

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