

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No. 162 OF 2015
in
CRIMINAL APPEAL No. OF 2015.

Vijay Ramachandra Chalake. ..Applicant.

Versus

Maharashtra State Co-operative
Agri. & Rural Developmen Bank Ltd
and Others. ..Respondents.

Mr. G. R. Agrawal for the Applicant.
Mr. J. P. Yagnik, learned APP for the State.

Coram : RANJIT MORE &
V. L. ACHLIYA, JJ.

Date : **January 4, 2016.**

P. C. :

1. Heard. The original complainant by this application is seeking leave to file appeal against the judgment and order of acquittal of the Respondents made by the JMFC, Karad in SCC No. 81 of 2006.

2. The case of the Applicant is that the Respondents had obtained two blank cheques bearing Nos.887481 and 877482 on 17th March 2001. The allegation is that the accused persons – Respondents herein in furtherance of their common intention filled-in the amounts in the said cheques and presented those

cheques for encashment, knowing well that there was no sufficient balance in the account of the Applicant. Those cheques were dishonoured for the reason “funds insufficient” in the account of the Applicant and thereafter the Respondents filed false case against the Applicant which also came to be dismissed for want of prosecution. The Applicant thereafter filed private complaint against the Respondents alleging commission of act of cheating and forgery. After trial, learned JMFC has dismissed the complaint as the Applicant has neither produced the subject cheques for the perusal of Court nor the opinion of the expert was made available by the Applicant. Learned JMFC held that offence against the Respondents is not made out in the absence of original cheques on record and handwriting expert opinion.

3. Mr. Agrawal in this regard submitted that those cheques were produced in the proceedings under section 138 of the Negotiable Instruments Act and the learned JMFC could have called for the record of those proceedings and perused the said cheques. According to him dismissal of complaint is not justified in view of evidence on record.

4. We have perused the judgment and order passed by the learned JMFC as well as depositions of witnesses. Admittedly the cheques were signed by the Applicant himself. It is not the case of the Applicant that his signatures were forged. There is no evidence adduced by the Applicant to establish charge of cheating and forgery. In these circumstances, we do not find merit in the appeal. The view taken by the trial Court is possible view which requires no interference at the hands of this Court. Leave to appeal is therefore refused. Application stands disposed of.

[V. L. ACHLIYA, J.]

[RANJIT MORE, J.]