

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**WRIT PETITION NO.3633 OF 2015**

Mr. Jaywant Nivrutti Patil ..... Petitioner

Vs.

M/s Bhaginath Bhikaji Gangurde ..... Respondent  
thru' proprietor  
Bhaginath Bhikaji Gangurde

Mr. Ashok Tajane, Advocate for the Petitioner.

Mr. Tushar Sonawane alongwith Sachin Padaye, Advocate for  
respondent no.1

Ms. A. Malhotra, APP for the State of Maharashtra.

Coram : Smt. R.P. SondurBaldota, J.

Date : 9<sup>th</sup> February, 2016.

P.C.

1            This petition arises out of two proceedings being STC No.306 of 2012 and STC No.307 of 2012 filed for the offence punishable under Section 138 of Negotiable Instruments Act. The proceedings were filed on 14<sup>th</sup> May, 2012. More than a year thereafter i.e. on 6<sup>th</sup> July, 2013, the petitioner, who is the accused in the two proceedings moved application at Exhibit 29 in STC No.306 of 2012 for clubbing it with STC No.307 of 2012. That application was rejected by the trial court with an observation that both the cases are in respect of different cheques, which have been dishonoured separately and

separate notices were sent for both cheques and there were different causes of action arising therein for the same. The trial court also held that there was no provision for clubbing of the complaints and rejected the application. Being aggrieved by the order, the petitioner preferred Revision Application No.45 of 2014 to the Sessions Court. The Sessions Court dismissed the Revision Application holding that non-clubbing of the two cases did not cause any prejudice to the petitioner.

2           Mr. Tajane, the learned advocate for the petitioner submits that the Sessions Court has in terms held that the observation of the trial court that there is no provision for clubbing the complaints is incorrect. Despite the observation, it has instead of clubbing the complaints together dismissed the revision application on the ground that there is no prejudice caused to the petitioner.

3           I find no infirmity whatsoever with the view taken by the Sessions Court. No prejudice has been pointed out even to this court if the two complaints are not clubbed. Further since the two complaints arise out of the different transactions, obviously the evidence in the two complaints would be different. Hence, the petition is dismissed.

(Smt. R.P. SondurBaldota, J.)