

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1) CR.APLN.NO.NO.1368/2016

3 CRIMINAL APPLICATION NO. 1368 OF 2016

JANMANGAL NAGARI SAHAKARI PATSANSTHA LTD. BRANCH
SHEVGAON

VERSUS

BHAUSAHEB BAPURAO AARLE AND ANR

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Advocate for Applicant : Mr.Sonwane Mahesh R.

APP for respondent State: Mr. P.N.Kutti

Mr.N.K.Tungar, Adv., h/f Ms. Shilpa Jahagirdar, Adv., for R No 1

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CORAM : P.R. BORA, J.

Dated: September 13, 2017

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PER COURT :-

1. Heard learned Counsel for the applicant and the learned Counsel appearing for respondent no.1.

2. Respondent has been acquitted by the learned Magistrate from the offense under Section 138 of the Negotiable Instruments Act. Perusal of the judgment reveals that the trial Court has recorded conclusion that the complainant has failed to prove that the cheque was issued towards legally enforceable debt. On perusal of the judgment it is apparently revealed that the entire evidence will have to be re-appreciated. Certain observations made by the learned Magistrate apparently appear un-tenable.

3. Hence, the application is allowed. The appeal be registered in accordance with law. On registration of the appeal,

agp/-

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(2) CR.APLN.NO.NO.1368/2016

issue notice to the respondents in the appeal. Learned Counsel Shri N.K.Tungar waives service for the respondent. List the matter for admission after four weeks.

(P.R. BORA, J.)

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