

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

7 CRIMINAL APPLICATION NO. 1547 OF 2016

DULICHAND GOPICHAND BAGDE
VERSUS
SANTOSH CHANDRABHAN MUNDE

...

Advocate for Applicants : Mr. Abhijeet Choudhari,
Adv. h/for Mr. Choudhary D.J.
Mr. BV Dhage, Adv. h/for Mr. Mundhe Ashok A. For
Respondent

CORAM : P.R.BORA, J.

DATE : 8th August, 2017.

PER COURT :

1) Heard learned Counsel appearing for applicant and learned Counsel appearing for respondent – original accused. Perused the impugned judgment.

2) Learned Counsel, inviting my attention to the discussion made by the Trial Court in para 28 of the judgment, submits that on totally wrong interpretation of the evidence on record, the trial court has dismissed the compliant filed by the present applicant. The learned Counsel

pointed out that the notice in question was issued demanding an amount of Rs.3,00,000/-, for which, the cheque was dishonoured. The Record and proceeding available for my perusal. On perusal of the copy of the said notice, it is revealed that the demand was made for Rs. 3,00,000/- only.

3) Shri Dhage, learned Counsel appearing for the respondent original accused, submitted that the learned Trial Court has correctly recorded acquittal of the accused and no interference is required in the impugned judgment so passed. The learned Counsel further submitted that absolutely no case is made out by the applicant for allowing him to file an appeal. The learned Counsel, read out the cross-examination of the applicant and in light of the said cross-examination and the discussion made by the trial Court, submitted that absolutely a false case was filed by the applicant and the same has been rightly dismissed by the Trial Court.

4) Considering the facts, as aforesaid, it appears to me that arguable case is made out and the contentions raised by the applicant needs to be decided on merits. I am, therefore, inclined to allow the present application. Hence, the following order, -

ORDER

- i) The application seeking leave to file an appeal is allowed.
- ii) The appeal be registered in accordance with law;
- iii) On registration of the appeal, issue notice to respondent;
- iv) Mr. Dhage, waives service of appeal on behalf of the respondent;
- v) List the appeal for admission on 5th September, 2017.

(P.R.BORA,J.)

bdv/