

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

CRIMINAL APPLICATION NO. 1578 OF 2016

Sahebrao Shankar Dhangar

...APPLICANT

versus

Jahiroddin S/o Raifoddin Shaikh

...RESPONDENT

.....

Mr. Sachin Panhale, Advocate for applicant

Mr. S.S. Kazi, Advocate for respondent – Sole

CORAM : K.K. SONAWANE, J.

DATED : 6th JUNE, 2017.

Order :-

1. Heard learned counsel appearing for the parties. Perused the application and relevant documents on record including findings expressed by the learned trial Court.

2. Admittedly, monetary transactions occurred in between the applicant and respondent. It is also fact that the respondent issued cheque in favour of the applicant, which is a subject-matter of present dispute. There are counter allegations that respondent accepted Rs. 50,000/- from the applicant in lieu of hand loan, whereas applicant claimed that he has paid Rs. 2,25,000/-. The respondent by way of security obtained cheque, which came to be dishonoured resulting into present

litigation. Considering the nature of subject-matter and allegations nurtured on behalf of applicant and respondent, I find it just and proper to examine all ramification of alleged transaction and for that purpose it is imperative to grant leave to appeal against impugned judgment and order of acquittal passed by learned trial Court. Hence, application stands allowed. Leave to file appeal against the impugned judgment and order of acquittal dated 22-01-2016 passed in STC No. 1058 of 2009 by learned Judicial Magistrate First Class, Shirpur, is granted. Accordingly, appeal be registered.

3. In the meanwhile, call for record and proceedings.

4. The learned counsel for the applicant prays for dispense with the formalities of paper-book. In view of nature of the subject-matter, paper-book stands dispensed with. However, applicant to furnish private paper-book excluding *roznama*.

5. List the appeal for admission hearing on 4th July, 2017.

[K. K. SONAWANE]
JUDGE

MTK