

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

CRIMINAL APPLICATION NO. 1447 OF 2017

Pawan s/o Shashikant Jadhav

..... APPLICANT

V E R S U S

Ravi @ Uttam Madhavrao Narwade

..... RESPONDENT

.....

Mr. S.R.Kolhare, Advocate for Applicant.

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CORAM : V.L.ACHLIYA, J.

DATE : 20th JUNE, 2017

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ORDER :

1. The applicant has taken out this application seeking leave to file Appeal against the Judgment and order passed by the trial Court acquitting the accused.

2. In nut-shell, it is the contention of the learned counsel for the applicant that though the accused has not

disputed his signature on cheque and taken the defence that cheque was stolen, he has not stepped in witness box. He submits that no evidence has been brought through cross examination to accept the case of accused that cheque was stolen. He submits that the complainant has stepped in witness box and deposed as per his case pleaded in complaint. He submits that the Judgment and order passed by the trial Court is not maintainable as the same is against the settled principles of law and based upon improper appreciation of evidence.

3. The respondent though served, failed to appear.

4. Upon considering the submissions in the light of the impugned Judgment and order, I am of the view that arguable case is made out. In this view, I am inclined to pass the following order.

ORDER

[i] Criminal Application is granted. Leave granted to file Appeal against the impugned Judgment and order passed by the trial Court.

[ii] Appeal be registered. On registration of Appeal, notice be issued to the respondent of final hearing making it returnable within four weeks i.e. 18/07/2017.

[V.L.ACHLIYA, J.]

KNP/Cr.Apln. 1447.2017