

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

918 CRIMINAL APPLICATION NO. 2632 OF 2017

PRAGATI INFRA SERVICES PVT. LTD. THROUGH : BHARAT
VIJAY KULKARNI

VERSUS

BALKRUSHNA APPA DHOKALE

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Advocate for Applicant : Mr. Rane Girish S.

Advocate for Respondent : Mr. V.B. Jadhav

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CORAM : T.V. NALWADE, J.

DATE : 21st DECEMBER, 2017

PER COURT :

This application is filed for grant of special leave to file Appeal against the Judgment and order passed in S.C.C. No.1109 of 2011, which was pending before the 4th Jt. Judicial Magistrate, First Class, Jalgaon. The complaint filed by present applicant for the offence punishable under Section 138 of Negotiable Instruments Act is dismissed and the accused is acquitted on merits. Heard learned counsel for the parties.

2. The submissions made and the reasoning given

by the learned Judicial Magistrate, First Class shows that the complainant failed to prove that there was legally enforceable liability of the accused. It is the case of the applicant, the accused was working as an agent and the amount was advanced to the accused for different reasons and therefore the cheque was issued. The submissions made show that the notice was not replied by the accused. In view of this circumstance, this Court holds that there is arguable case for the complainant in the Appeal. So, the application is allowed. Leave is granted to file Appeal.

3. Appeal is admitted. Issue notice to the respondent. Learned counsel for the respondent waives service of notice on behalf of the respondent.

4. Call record and proceedings from the lower Court.

(**T.V. NALAWADE, J.**)

