

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL WRIT PETITION NO. 3330 OF 2015

Ajay Shyamkant Choudhary

....Petitioner

V/s.

P-Cube Enterprises Pvt Ltd and Ors

... Respondents

Mr. Abhaykumar Apte Advocate for Petitioner

Mr. Tejesh Dande i/b Tejesh Dande and Associates
for respondent no. 1.

Ms. Anamika Malhotra APP for the State.

CORAM: SMT.SADHANA S.JADHAV, J.
DATED : 4th APRIL, 2017.

P.C.

1) Heard.

2) Rule. Rule made returnable forthwith with the consent of the parties.

3) Petitioner herein is original accused no. 3 in Case No. 3478 of 2013 pending before Judicial Magistrate First Class, Court No. 9 at Pune. Respondent company had filed a complaint before Judicial Magistrate First Class contending therein that original accused no. 1 & 2 had solicited education loan from the respondent company. The loan was extended for the

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purpose of education of his daughter. Petitioner herein stood guarantor to the said loan amount. It is the contention of the complainant that loan amount was not utilized for the purpose for which it was solicited. For the purpose of repaying the said loan amount, original accused no. 1 had issued a cheque. Since the petitioner herein is guarantor to the said agreement, he could be held jointly and severally liable for repaying the said amount. Complainant company had filed civil suit and the suit is decreed in favour of the complainant. The very fact that original accused nos. 1 & 2 had signed the agreement and that accused no. 3 i.e. present petitioner is party to that agreement by standing guarantor, he will have to rebut the presumption at the time of trial.

4) In view of this, order passed by the Revisional Court calls for no interference.

5) Rule is discharged.

(SMT. SADHANA S. JADHAV, J.)