

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO.1344 OF 2016**

Shri. Deepak Daulatram Aswani Applicant

Vs.

The State of Maharashtra & Ors. Respondents

Mr. Chittaranjan Das, Advocate for the Applicant.
Mr. S.R. Agarkar, A.P.P. for the respondent- State.

Coram : Smt. R.P. SondurBaldota, J.

Date : 16th January, 2017

P.C.

1 This application challenges the order dtd. 29th September, 2016, by which the trial court dismissed the application filed by the applicant at Exhibit 15 praying for dismissal of the complaint filed by respondent no.2 for the offence punishable under Section 138 Negotiable Instruments Act. As stated in the impugned order, the application sought dismissal of the complaint essentially on four grounds. Firstly, that the dispute between the parties is of civil nature as the loan given by respondent no.2 to the applicant was a friendly loan.

Secondly, respondent no.2 carries on money laundering business and as such his activities are of violative of the provisions of Prevention of Money Laundering Act, 2002. Thirdly, respondent no.2 has been cheating people and falsely implicating them in different cases. And fourthly respondent no.2 has misguided the court by filing the complaint.

2 The trial court noted that the proceedings are pending for cross-examination and the applicant has been delaying the evidence. The trial court has held that there is no material on record to establish the grounds stated in the application and the stage of the matter being such that it was not possible to dismiss the complaint without trial.

3 There is no infirmity with the view taken by the trial court. The grounds on which the applicant desires the complaint to be dismissed are in fact his defences to the trial, which are required to be established during the trial. Hence, the application is dismissed.

(Smt. R.P. SondurBaldota, J.)