

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.72 OF 2014

RAYAT SARVA SEVA SANSTHA)...APPLICANT

V/s.

SUNIL DAGADU KUDE AND ANR.)...RESPONDENTS

Mr.Abhishek Yende, Advocate for the Applicant.

Mr.Prasad Kulkarni, Advocate for Respondent No.1.

Mr.A.R.Kapadnis, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 13th JUNE 2018

P.C. :

1 Heard both sides. Perused the impugned judgment. Address of the respondent/accused given in the complaint is Village Lonje, Taluka Chalisgaon, District Jalgaon. Same address of the respondent is mentioned in the cause title of the instant application. He was served on this address in both the proceedings. Statutory notice was also issued to the respondent/accused on the very same address. However, the

learned trial Magistrate dismissed the complaint for the offence punishable under Section 138 of the Negotiable Instruments Act by observing that address of the respondent/accused is Ghat Road, Congresswadi, Taluka Chalisgaon. Other point including that of legally enforceable debt has been answered in favour of the applicant/original complainant. Hence, case for grant of leave and admission of appeal is made out. Therefore, the order :

ORDER

- i) Leave, as prayed, is granted.
- ii) Admit.
- iii) The application for leave to appeal be treated as “Memo of Appeal” be effecting suitable amendment.
- iv) Shri Prasad Kulkarni, the learned advocate, waives notice for respondent no.1/original accused and learned APP waives notice for respondent no.2
- v) Call for Record and Proceedings.
- vi) In lieu of action under Section 390 of the Code of Criminal Procedure, respondent no.1 to execute P.R.Bond in the sum of Rs.15,000/- before the learned trial court, within a period of four weeks from today.

(A. M. BADAR, J.)