

*Nalawade*FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 324 OF 2017
Sushil P. Khedkar vs. Dadasaheb V. Sonawane and anr.

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. R. G.Patil for the Applicant.
Mr. A.R.Kapadnis,APP. for State.

CORAM :A.S.GADKARI, J.
DATE : 3rd April, 2018

P.C.

1. This is an application under Section 378(4) of the Cr.P.C. for leave to file appeal against the Judgment and Order dated 23.6.2017 passed by the learned Judicial Magistrate First Class, Pimpri, Pune, District Pune in Summary Criminal Case No. 4321 of 2013 thereby dismissing the complaint of the applicant filed under Section 138 of the Negotiable Instruments Act and acquitted the respondents from the said offence.
2. Heard the learned counsel for the applicant and the learned APP. for the State. Perused the record.
3. The evidence on record clearly indicates that the applicant has failed to prove the basic fact that, he in fact had advanced hand loan of Rs.7, 00,000/- to respondent No.1 for

availing benefit of Gharkul Scheme floated by Lokshahir Annasaheb Sathe Bahujan Samaj Co.op. Housing Society. The applicant has failed to adduce any cogent and sufficient evidence to even infer the fact that he in fact had advanced the said hand loan to respondent No.1. The record further indicates that respondents are successful in rebutting the presumption against them under Section 139 of the Negotiable Instruments Act.

4. After perusing the record, this Court is of the opinion that, the view adopted by the Trial Court is a reasonable and probable view in the facts and circumstances of the case.

No case for grant of leave is made out.

5. Application is accordingly rejected.

(A.S.GADKARI, J.)