

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION***

CRIMINAL APPLICATION NO.475 OF 2015

Babu Raghu Adhav Applicant

vs

1. Aruna Rajkumar Ambure

2.State of Maharashtra

.. Respondents

Mr.R.M.Kanojiya for Applicant

Ms.R.M.Gadhavi Additional Public Prosecutor for State

Coram : PRAKASH D.NAIK, J

Date : 5TH FEBRUARY 2018

P.C

This is an Application seeking leave to file an appeal against the judgment and order dated 4.9.2015. The applicant is the Original Complainant. The complaint was filed for an offence under section 138 of the Negotiable Instrument Act, 1888. The Accused issued a cheque of Rs.3,35,000/-. The same was dishonoured. After issuance of the demand notice, complaint was filed. The defence of the accused was that the cheque was stolen by the husband of the accused. The husband of the accused thereafter had given the cheque to the complainant which was misused by him without consent of the

accused.

2. Learned advocate for the Applicant submitted that there is no evidence to corroborate the said defence. The cheque was issued on account of re-payment of a friendly loan. It is submitted that the complainant had examined two witnesses.

3. Arguable questions are raised in the Appeal. In this Application, a case for grant of leave to file appeal is made out. Hence, I pass following order :

ORDER

(i) Leave to file an Appeal against the judgment and order dated 4.9.2015 passed by the 5th C.J.J.D. and J.M.F.C. Thane in S.C.C. No.3957 of 2013 is granted.

(ii) Appeal is admitted.

(iii) Call for record and proceedings.

{PRAKASH D.NAIK, J}