

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION [ALP] NO.462 OF 2014

Somnath Eknath Jadhav ... **Applicant**

V/s.

Vikas Maruti Jadhav and anr. ... **Respondents**

Mr.Girish R. Agrawal for the applicant.

Mr.S.V. Gavand, APP for the respondent/State.

CORAM : A.M.BADAR J.

DATED : 23rd JULY 2018.

P.C. :

1. Heard the learned Advocate appearing for the applicant. None appearing for respondent no.1 despite service. The learned Additional Public Prosecutor appears for respondent no.2 / State.

2. Perusal of the record shows that an amount of Rs.1,00,000/- has been received by the respondent by passing the receipt for the same. Evidence shows that there after again an amount of Rs.45,000/- was paid to the respondent.

3. In this view of the matter, *prima facie*, the learned Trial Court erred in holding that the applicant/original complainant was not having accepted to pay an amount under the cheque. Hence, the order;

:: ORDER ::

- (i) Leave as prayed is granted.
- (ii) Memo of appeal for leave to file appeal to be considered as memo of appeal on effecting necessary amendment by the learned Advocate appearing for the applicant.
- (iii) Leave to amend for that purpose is granted.
- (iv) Admit.
- (v) Issue notice to respondent.
- (vi) The learned Additional Public Prosecutor waives notice for respondent no.2 / State.
- (vii) In the meanwhile, action under Section 390 of the Criminal Procedure Code before the Trial Court.

Vina
Arvind
Khadpe

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Vina Arvind
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(A.M.BADAR J.)