

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (APPP) 66 OF 2018
IN
MISC. CRIMINAL APPLICATION (APPW) 7 OF 2018
IN
CRIMINAL WRIT PETITION 40 OF 2017

(Shri Ganesh Builder & Developers & anr ...vs.. Shreekant s/o. Mahadeo Wandre)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Shri R.D. Karode, counsel for appellant.

CORAM: ROHIT B. DEO, J.
DATE: 12th MARCH, 2018.

CRIMINAL APPLICATION 66 OF 2018

Heard.

2 The reasons stated in the application for
condonation of delay are not entirely satisfactory. However,
the delay is condoned in the interest of justice subject to
depositing cost of Rs. 1,000/- with the Vidarbha Lady
Lawyer Association, Nagpur.

MISC. CRIMINAL APPLICATION 7 OF 2018

Heard.

2 The application is allowed.

3 The petition be restored to file.

4 Call for record and proceedings.

CRIMINAL WRIT PETITION 40 OF 2017

Heard.

2 This Court has perused the agreement dated 11.6.2013 'Annexure D'. The contention of the petitioner is that the cheque 843232 which is referred to in paragraph 3 of the agreement, is the same cheque which is presented for encashment and which is dishonoured. The submission is, that the process of the Court is being abused.

3 Per contra, the learned counsel for the complainant, while not disputing the execution of the agreement, submits that the cheque referred to in paragraph 3 bearing number 843232 is not the cheque which is the subject matter of the complaint.

5 The complainant is put on notice that if the complaint is filed in relation to the cheque which he agreed to return to the accused and which cheque is referred to in paragraph 3 of the agreement 'Annexure D', this Court shall be constrained to impose exemplary and compensatory cost for abusing the process of law.

JUDGE