

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

CRIMINAL APPLICATION (ABA) NO.215/2018

(Suryakant s/o Wasudeorao Tadas Vs. State of Maharashtra, PSO., PS Paratwada,
Tah. Achalpur, Dist. Amravati)

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

Court's or Judge's orders.

Shri A.D.Dangore, Advocate for applicant.
Shri Gangane, APP for non-applicant/State.

CORAM : S. B. SHUKRE, J.

DATE : APRIL 27, 2018

Heard Shri Dangore learned counsel for the applicant and Shri Gangane, learned APP for the State. Perused the reply of the prosecution and the case diary.

On going through the material available on record, I am of the view that the element of cheating involving existence of dishonest intention of the applicant since beginning of the transaction is prima facie there. After having received amount of Rs.1,80,000/- from the Andhra Bank, it was expected of this applicant to supply the computers and printers to the complainant. The amount of Rs.1,80,000/- was by way of loan granted to the complainant. But, the material present on record shows that nothing has been delivered to the complainant. Now, the learned APP on instructions submits that the some evidence collected by the Investigating Officer shows that even the complainant is

likely to be involved in this crime and that he may have joined hands with this applicant. So, the learned APP further submits that necessary steps are being taken by the Investigating Officer to proceed against the complainant.

The learned counsel for the applicant submits that the applicant had furnished Delivery Memo to the Investigating Officer. Although a document stated to be a delivery memo was in the case diary, it is no different than the document stated to be the delivery memo which is filed at page 21 of this application. This document nowhere shows that any item has been delivered to the complainant.

In these circumstances, I am not inclined to allow this application. The application is rejected.

JUDGE

Andurkar.