

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

**CRIMINAL APPLICATION NO.303 OF 2018
(For Condonation of delay)
IN
CRIMINAL APPLICATION (ALP) NO.517 OF 2019
(For Leave to Appeal)**

Dadasaheb Tukaram Gaikwad Applicant

Vs.

Pramod Kashinath Shinde & Anr. Respondents

Mr. Satyajeet A. Rajeshirke for the Applicant.
Mr. Rahul Bhat i/by Mr. Nagesh Y. Chavan for respondent no.1
Mr. S.V. Gavand, APP for the State.

Coram : NITIN W. SAMBRE, J.

Date : 9th December 2019

P.C.:

1. Heard.
2. For the reasons disclosed in the application, the delay stands condoned. In view of no objection, the application is allowed.
3. The learned 6th Judicial Magistrate First Class, Kolhapur in Summary Criminal Case No. 1109 of 2016 recorded the judgment of acquittal. His acquittal is based on appreciation of evidence viz. Exhibit

22 Cheque, Exhibit 23 Cheque Dishonour Memo, Exhibit 24 Acknowledgment, Exhibit 25 Demand Notice and Exhibit 26 Reply of Notice.

4. The cheque was issued towards repayment of the loan.

5. The cheque bears the date 18th October, 2012, however, same was presented beyond the permissible period and was dishonored on 23rd February 2013.

6. In view of statutory bar, the order of acquittal recorded is just and proper. Leave refused.

(NITIN W. SAMBRE, J.)