

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

CRIMINAL WRIT PETITION NO.365/2019

Ravindra Deviprasad Jaiswal

..VS..

The Buldhana Urban Co-op. Credit Society Ltd., Buldhana (Multi State)
Registration No.267, thr. Loan Superintendent Prashant Suresh Kulkarni
and anr

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

Court's or Judge's Order

.....
Shri J.B.Gandhi, Counsel for the Petitioner.
Shri Digvijay Khapre, Counsel for Respondent No.1.
Shri N.B.Jawade, Addl.P.P. for Respondent No.2/State.

CORAM : V.M.DESHPANDE, J.
DATED : NOVEMBER 15, 2019.

1. Heard learned counsel Shri J.B.Gandhi for the petitioner, learned counsel Shri Digvijay Khapre for respondent No.1/original complainant, and learned Additional Public Prosecutor Shri N.B.Jawade for respondent No.2/State.

2. By the present petition, the petitioner is challenging order dated 18.12.2018 passed below Exhibit 40 by learned Sessions Judge, Buldhana in Criminal Appeal No.37/2014.

3. By the order impugned in the petition, learned Sessions Judge dismissed an application filed on behalf of the petitioner under Section 391 of the Code of Criminal Procedure seeking permission for production of additional

evidence.

4. The petitioner was convicted in Summary Criminal Case No.752/2009 on 13.3.2014 by learned Judicial Magistrate First Class, Court No.6, Buldhana for offence punishable under Section 138 of the Negotiable Instruments Act, 1881. The petitioner was directed to suffer rigorous imprisonment for 1 year and to pay compensation Rs.7,50,000/-.

5. The petitioner, thereafter, filed an appeal before learned Judge of Lower Appellate Court. The said appeal was registered as Criminal Appeal No.37/2014. The petitioner was released on bail by learned Judge of Lower Appellate Court.

6. Be that as it may, when the appeal was ripened up for final hearing and learned Judge of Lower Appellate Court was about to commence hearing, application Exhibit 40 was moved by the petitioner before the said Court. According to the said application, complainant-The Buldhana Urban Cooperative Credit Society Limited, at the time of disbursing of loan to the petitioner, obtained 5 blank cheques duly signed by the petitioner. According to the petitioner, one such cheque is misused by officer of the complainant society. The petitioner by moving the application, submitted that he intends to file counter slips of all cheques.

7. It is to be observed here that it was defence of the petitioner that he issued 5 blank cheques at the time of disbursing of loan to him by officer of the complainant

society. Learned Magistrate in paragraph No.10 of his judgment found that in support of defence nothing was placed on record by the petitioner.

8. Be that as it may, after a period of 10 years, now the petitioner submits that he laid hands on those counter slips and wishes to produce on record the same. The application under Section 391 of the Code of Criminal Procedure is vague, as it does not disclose anything as to when counter slips are found by the petitioner.

9. Learned Sessions Judge, while considering the application, rightly observed in paragraph No.5 of the order impugned in the present petition. I see no reason not to accept the said reasoning given by learned Judge below.

10. It is clear that anyhow the petitioner wants to linger the final hearing of the appeal and is trying to innovate various methods for deferring hearing of the appeal which cannot be permitted.

11. In this view of the matter, the criminal writ petition is devoid of any substance and hence the said is dismissed and disposed of accordingly.

JUDGE

!! BRW !!

...../-