

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

CRIMINAL APPLICATION NO.1274/2018

Giriraj Harinarayanji Rathi .vs. M/s. Sitaldas Magandas thr., Sitaldas
Magandas Bhagdevani, Buldhana.

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

Court's or Judge's orders.

Mrs. R. S. Sirpurkar, Advocate for applicant.
Mr. A. V. Bhide, Advocate for non applicant.

CORAM : V.M. DESHPANDE, J.

DATED : FEBRUARY 6, 2019

Heard Mrs. Sirpurkar, learned counsel for applicant and Mr. Bhide, learned counsel for non applicant. Learned Judicial Magistrate First Class, Nandura vide judgment dated 03.03.2018 found that the applicant has not proved his case against non applicant, for an offence under Section 138 of the Negotiable Instruments Act. Therefore, the present application is filed seeking leave to file the appeal.

It is the case of the complainant that due to financial crises, Rs.1,00,000/- were given by applicant to non applicant-accused in cash and a note of the said was taken in his daily account book. It would be useful to mention here that both the complainant and accused are businessmen. When it was the case of the complainant himself that entry in book of accounts was taken regarding giving hand loan of Rs.1,00,000/-. For the reasons best known to the applicant, the extract of account books is not filed on record.

The learned Magistrate has considered the evidence in its correct perspective. No case is made out for interference in the present application. The application is, therefore, rejected. Leave is refused. Consequently, the appeal is also rejected.

JUDGE

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