

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

**CRIMINAL WRIT PETITION NO.361 OF 2020
WITH
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CRIMINAL WRIT PETITION NO.364 OF 2020
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CRIMINAL WRIT PETITION NO.365 OF 2020**

SHUBHANGI VITTHAL PATIL

)...PETITIONER

V/s.

THE STATE OF MAHARASHTRA AND ANR.

)...RESPONDENTS

Ms.Pranali Kakade, Advocate for the Petitioner.

Mr.S.V.Gavand, APP for the Respondent – State.

CORAM : A. M. BADAR, J.

DATE : 18th FEBRUARY 2020

P.C. :

1 The only contention made in these petitions is to the effect that cheques in question were given as security and the

dispute in partnership firm was to be resolved by appointment of Arbitrator.

2 I have considered the submissions so advanced and also perused the complaint as well as revisionary order passed by the learned Additional Sessions Judge, Ichalkaranji. The complaint is vividly describing the transaction and issuance of cheques for satisfaction of legally enforceable debt. The question whether the cheques were for security or for payment of legally enforceable debt will have to be determined at the trial of the case. Similarly, even if there is arbitration clause, that does not preclude cognizance of an offence punishable under the provisions of the Negotiable Instruments Act.

3 The petitions, as such, are devoid of merit and therefore the same are dismissed.

(A. M. BADAR, J.)

Arti V.
Khatate

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