

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

9 CRIMINAL WRIT PETITION NO.514 OF 2020

OM SAI TRADERS THROUGH ITS PROPRIETOR RAJENDRA
CHANDRABHAN JOSHI
VERSUS
RAMESH SHAMRAO ADIK

Mrs.M.V. Narwade, Advocate for the petitioner.

CORAM : N.R.BORKAR, J.
DATED : 13.12.2021

PC :-

01. This petition takes an exception to the two orders passed by the learned Magistrate below Exhs. 65 and 74, in Summary Criminal Case No.172 of 2017.

02. By the application at Exh.65 a prayer was made for issuing witness summons to the Authorised Officer of ICICI Bank, Branch Shrirampur and Bank of Maharashtra, Branch Shrirampur for producing relevant record. The learned Trial Court rejected the said application by order dated 13.02.2020.

03. Thereafter, again an application at Exh.74 was moved for issuing witness summons to Bank of Maharashtra, Branch Malwadgaon. The Trial Court rejected the said application by order dated 24.02.2020.

04. I have heard the learned Counsel for the petitioner and perused the application at Exhs.65 and 74. At the time of hearing of application at Exh.65, it was argued before the Trial Court that subsequent to reply to demand notice, the cheque bearing No.2755 against repayment of liability was sent to the complainant and to prove the said fact witness summons be issued to the witnesses mentioned in Exh.65. The learned Magistrate has observed that said fact of giving cheque by the accused is admitted by the complainant. It is not shown that said observations of the Trial Court is not correct. Therefore, no interference is called for in the order passed below Exh.65.

05. As regards application at Exh.74, it is not

understood as to why said request was not made when application at Exh.65 was moved. The application at Exh.74 came to be moved only after rejection of application at Exh.65. The Trial Court has observed in its order that whole attempt of the petitioner is to prolong the proceedings.

06. In my view considering the facts and circumstances of the case the Trial Court was justified in making the above observations. I do not see any reason to interfere with the orders impugned. The petition is dismissed.

[N.R.BORKAR,J.]