

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

APPLICATION FOR LEAVE TO APPEAL BY PVT. PARTY NO. 6 OF 2020

Rambhau Bapurao Bhalshankar	... Applicant
Versus	
Ram Arjun Inkar	... Respondent
....	
Mr. P. A. Kulkarni, Advocate for applicant	
Mr. D. B. Pokale, Advocate for respondent	
....	

CORAM : R. G. AVACHAT, J.

DATED : 11th APRIL, 2022

PER COURT :-

. Heard.

2. The challenge in this appeal is to the acquittal of the respondent from the offence punishable under Section 138 of the Negotiable Instruments Act, mainly on the ground of the appellant/complainant to have remained absent to proceed with the complaint itself. It was a cheque for Rs.1,45,000/- (Rupees One Lakh Forty Five Thousand).

3. In the interest of justice, the order impugned herein is set aside, subject to costs of Rs.5,000/- (Rupees Five Thousand) to

be paid to the other side. The matter is restored to the trial Court for being decided on its own merits within time frame of one year from the date of receipt of the copy of this order.

4. The application is disposed of.

[R. G. AVACHAT, J.]

SMS