

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

**980 APPLN. FOR LEAVE TO APPEAL BY PVT. PARTY NO.52 OF
2021**

**BHERULAL GOPIKISHAN KACHHWAHA
VERSUS
PRADIP SHIVPRASAD LOHIYA**

Mr. V. R. Jain, Advocate for the applicant
Mr. S. S. Panale, Advocate for the respondent

CORAM : KISHORE C. SANT, J.

DATE : 09th DECEMBER, 2022

P. C.

1. This is an application seeking leave to file an appeal against acquittal. Heard the learned advocates for the parties for long time. It is the case of the applicant that there is no satisfactory explanation given by the accused except stating that his financial condition is good and he will not require any loan amount from the complainant.

2. Learned advocate for the respondent submits that it is a specific case that the son of the complainant was working in the shop of the accused and some cheques were given by the

accused to him for giving to the parties and one of the said cheques has been misused by the son of the complainant, as he was removed from the office of the accused.

3. Considering the above, it appears that case is made out at least to grant leave to file an appeal against the acquittal. Thus, the application seeking leave to file an appeal against acquittal challenging the judgment and order dated 21-10-2021 passed by the learned JMFC, Aurangabad in SCC No. 60 of 2017 is allowed. Office to register the application as appeal.

4. Call R & P

[KISHORE C. SANT, J.]