

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

13 APPLN. FOR LEAVE TO APPEAL BY PVT. PARTY NO.6 OF 2019

**ZAKIR BANEMIYA SHAIKH
VERSUS
RAMJAN HAIDER SHAH**

...

Advocate for Appellant : Mr. P. S. Dighe

....

AND

14 APPLN. FOR LEAVE TO APPEAL BY PVT. PARTY NO.7 OF 2019

**ZAKHIR BANEMIYA SHAIKH
VERSUS
RAMJAN HAIDER SHAH**

...

Advocate for Appellant : Mr. P. S. Dighe

....

AND

15 APPLN. FOR LEAVE TO APPEAL BY PVT. PARTY NO.8 OF 2019

**ZAKHIR BANEMIYA SHAIKH
VERSUS
RAMJAN HAIDER SHAH**

...

Advocate for Appellant : Mr. P. S. Dighe

...

AND

16 APPLN. FOR LEAVE TO APPEAL BY PVT. PARTY NO.9 OF 2019

**ZAKHIR BANEMIYA SHAIKH
VERSUS
RAMJAN HAIDER SHAH**

...

Advocate for Appellant : Mr. P. S. Dighe

...

AND

17 APPLN. FOR LEAVE TO APPEAL BY PVT. PARTY NO.10 OF 2019

**ZAKHIR BANEMIYA SHAIKH
VERSUS
RAMJAN HAIDER SHAH**

...
Advocate for Appellant : Mr. P. S. Dighe

...

CORAM : SANDIPKUMAR C. MORE, J.
DATED : 30/10/2023.

P. C. :

1. Heard learned counsel for the applicant. The respondent / accused despite service, remained absent.
2. The applicant i.e. original complainant in all these applications, is seeking leave to challenge the acquittal of respondent / accused, who is same in all these applications from the charge under Section 138 of N. I. Act.
3. It appears that the learned trial court has acquitted the respondent / accused from all these cases mainly on the ground that brother of the complainant had already withdrawn an amount around Rs.3 lakhs under the cheques mentioned in the judgments. However, it appears that the transaction between the applicant and the respondent / accused was of Rs.5 lakhs and the cheques in dispute in all these cases appeared to be issued for Rs.30,000/- each. The learned counsel for the applicant in all these matters pointed out that even if it is presumed that brother applicant / complainant had already withdrawn an amount of Rs.3 lakhs but considering the case of the applicant there was still an outstanding around Rs.2 lakhs. In view of such submission, the applicant /

complainant has made out at least an arguable case, which will require further consideration. In view of the same, all the applications are hereby allowed and the respective appeals of the applicant, be registered after removal of office objections, if any. The applications are accordingly disposed of.

(SANDIPKUMAR C. MORE, J.)

VS Maind/-