

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

CRIMINAL REVISION APPLICATION NO.128 OF 2017

**GOVIND S/O. BANSILAL BALDI
VERSUS
KASHIRAM S/O. DEVIDAS JADHAV**

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Advocate for Applicant : Mr. M.P. Tripathi h/f Mr. N. B. Khandare

Advocate for Respondent : Mr. S.A. Wakure

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CORAM : S. G. MEHARE, J.

DATE : 12.06.2023

JUDGMENT :

1. Rule. Rule made returnable forthwith by consent of learned respective counsels heard finally.

2. The learned counsel for the applicant would submit that the respondent/accused admitted the issuance of the cheque. Therefore, he cannot deny the contents of the cheque. Once the cheque is delivered though blank the drawee has a right to complete the cheque, therefore dates of payment of hand loan differently mentioned in different places are immaterial.

3. Per contra, the learned counsel for the accused would submit that, the cheque in dispute was never issued for the return of the loan. It was obtained for security. The notice was served upon the complainant to

return the blank cheque. The said notice was not replied. However, that apart, the complainant is not sure about the date of issuance of the cheque. At one place, it has been mentioned that the cheque was issued on 15.06.2011 and on another places it was allegedly issued on 30.05.2011 and 04.07.2011. This discrepancy was obviously raises a serious doubt about the issuance of the cheque in dispute. The learned trial Court as well as appellate Court has examined the evidence correctly. The date of issuance of cheque has relevance to the cause of action. Both Courts have correctly disbelieved the complainant and dismissed the application.

4. The applicant could not satisfy the Court that there are apparent errors of the law on the face of record that warrant interference in the impugned judgments and orders. The petition is devoid of substance, hence liable to be dismissed. Hence, the following order :-

ORDER

- (i) The revision application stands dismissed.
- (ii) Record and proceeding be returned to the Court of the learned Chief Judicial Magistrate, Ambajogai.
- (iii) Rule stands discharged.

(S. G. MEHARE)
JUDGE