

drp

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

APPLICATION FOR LEAVE TO APPEAL BY PRIVATE PARTY
NO.51 OF 2024

Shivkanya Atmaram Tidke

APPLICANT

VERSUS

Rekha Manohar Dharme (Rekha Govind Kale)

RESPONDENT

.....
Mr. Sachin M. Nannaware, Advocate for the applicant
Mr. Rahul O. Awasarmol, Advocate for the respondent
.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 20th AUGUST, 2024

ORDER :

1. Heard.
2. Perused the impugned judgment and order of acquittal, dated 11th March, 2024 passed by learned Judicial Magistrate First Class, Aurangabad (Court No.13), in SCC No. 10581 of 2019.
3. Applicant - complainant filed Complaint under section 138 of the Negotiable Instruments Act, claiming that hand loan of Rs.3 lakh was given by the applicant to the respondent - accused. Respondent - accused had issued a cheque of Rs.3 lakh for repayment of the said hand loan, which is bounced.

4. Trial Court, after recording evidence, recorded a finding that demand notice was issued on a different address, than the known address of the accused. Accused has brought on record duty chart of the complainant, showing that the complainant was on duty on the date on which he claims that the amount of Rs.3 lakh was handed over to the accused. The complainant has failed to prove that the cheque in question was issued for legally enforceable debt.

5. The impugned judgment and order is supported by reasons and the Trial Court has not committed any illegality in passing the order of acquittal. The view taken by the Trial Court is a possible view, which is not liable to be interfered with in exercise of jurisdiction under section 372 of the Criminal Procedure Code. The application being devoid of merit, is dismissed. Leave refused.

[NITIN B. SURYAWANSHI]
JUDGE