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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

APPLICATION FOR LEAVE TO APPEAL BY PRIVATE PARTY
NO.93 OF 2024

Om Nagari Sahakari Patsanstha Ltd.,

APPLICANT

VERSUS

Laxman Namdeo Mhaske and Another

RESPONDENTS

.....
Mr. Rajendra Sudam Kasar, Advocate for the applicant
Mr. R. B. Dhaware, APP for respondent - State
.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 7th AUGUST, 2024

ORDER :

1. Heard.
2. Though served, none appears for respondent No.1.
3. Trial Court has acquitted respondent No.1 for offence punishable under section 138 of the Negotiable Instruments Act,, on the ground that the applicant - complaint failed to prove that the demand notice sent by him to the respondent - accused is received by him and in spite of that respondent - accused has failed to pay the dispute cheque amount within stipulated period.
4. It is necessary to mention here that the postal receipt / acknowledgment and the demand notice is placed on record, so

also respondent No.1 – accused was served in the Trial Court, on the same address mentioned in the demand notice.

5. The reasons recorded by the Trial Court, therefore, appear to be erroneous.

6. Therefore, leave granted. Application is allowed. Appeal be registered and listed for further consideration on 21st August, 2024.

[NITIN B. SURYAWANSHI]
JUDGE

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