



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

CRIMINAL APPLICATION NO. 2448 OF 2024

NAMDEO VYANKAT SHINDE
VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Vikas S. Pawar
APP for Respondent No.1 : Mr. S. B. Pulkundwar

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CORAM : S. G. MEHARE, J.

DATE : 06-08-2024

PER COURT :-

1. Heard the learned counsel for the applicant.
2. Issue notice to the respondents.
3. The learned A.P.P. waives service of notice for respondent No.1.
4. The applicant has impugned the orders dated 12.04.2017 and 03.12.2019 in S.T.C.C.No.1500 of 2016 and S.T.C.C. No. 1550 of 2016, of the learned Judicial Magistrate First Class, Latur and Issue process against him for an offence punishable under section 138 of the Negotiable Instruments Act (for short, "N.I. Act"). He prayed for quashment of the cases.
5. Now the cases are posted for recording of the evidence. It is a case granting compensation to the deceased / husband of the respondent No.2/complainant.

6. It is the contention of the complainant that the applicant and his brother, who have signed the cheque, were joint in family and it was their joint liability. Therefore, both are liable to be prosecuted under Section 138 of the N.I.Act.

7. The learned counsel for the applicant submits that the applicant is residing separately from his brother. He did not sign the cheque. Therefore, he has no liability to pay the compensation. It appears from the facts of the case that the applicant has been joined as co-accused, because the cheque was issued for compensation by the applicant and his brother. The applicant kept mum for around eight years and when the matter was listed for evidence, the applicant approached this Court for quashing of the first information report. Be that as it may, from the pleadings of the respondent / complainant, it appears that *prima facie* material was available against the applicant. The trial Court has taken the cognizance of the cases correctly and issued process against the applicant. There is no substance in the application; Hence, stands dismissed at the admission stage.

(S. G. MEHARE)
JUDGE