

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL APPLICATION NO. 10 OF 2020
IN
CRIMINAL APPEAL NO. 242 OF 2015

Ashok Mahaling Tavate

.... Applicant

Versus

Ramesh Annappa Chavan and Anr.

.... Respondents

Mr. Y. G. Thorat i/b Mr. Ashok B. Tajane, for the Applicant.

Mr. Padmanabh Rise i/b P. Padmanabh & Associates, for Respondent No.1.

Ms. Poonam P. Bhosale, APP, for Respondent No.2 – State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 24th FEBRUARY, 2025.

P.C. :

1. Heard learned counsel for the Applicant, learned counsel for Respondent No.1 and learned APP for the State.

2. Learned counsel for the Applicant is seeking leave to file appeal against the judgment and order dated 14th October 2019 passed by the learned District Judge – 4 and Additional Sessions Judge, Sangli in Criminal Appeal No.242 of 2015, by which the Respondent No.1 is acquitted under Section 138 of the Negotiable

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Instruments Act, 1881 (for short “NI Act”).

3. It is contention of the learned counsel for the Applicant that Respondent No.1 had issued cheque amounting to Rs.3,00,000/-, in favour of the Applicant. The said cheque was dishonored accordingly, a complaint was filed before the Judicial Magistrate First Class, Miraj. After hearing both the parties, the Judicial Magistrate First Class, Miraj, had convicted the Respondent No.1. However, the Respondent No.1 filed an appeal, and in the said appeal, he has been acquitted.

4. Learned counsel for Respondent No.1 submits that the learned Sessions Court has passed well reasoned order and no interference is required in it, and requested to reject the application.

5. I have heard both learned counsel. Perused the documents produced on record.

6. Respondent No.1 was convicted by the Judicial Magistrate First Class, Miraj, but has been acquitted by the Sessions Court. Considering submissions of both learned counsel and after perusing documents on record, the Applicant has made out a case to file an appeal. Accordingly, I pass following order:-

ORDER

- i. Application is allowed in terms of prayer clause (f).
 - ii. Leave is granted to file appeal against the judgment and order passed by the learned District Judge - 4 and Additional Sessions Judge, Miraj, Sangli in Criminal Appeal No.242 of 2015.
 - iii. Action under Section 390 of the Cr.P.C. be taken against the Respondent No.1.
7. In view of the above, the application stands disposed of.

(SHIVKUMAR DIGE, J.)