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Uday S. Jagtap

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 316 OF 2014

Ashok Manohar Ghodke .. Applicant
Vs.
Najir Nabiso Aalase & Anr. .. Respondents

....

Mr. Sandeep S. Koregave for the applicant
Mr. Anand S. Patil for the respondent no.1
Ms. Anamika Malhotra, APP for the respondent – State

....

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATE : 14th FEBRUARY, 2025.

P.C.

1. By this application under Section 378(4) of the Cr.P.C. the original complainant seeks special leave to appeal against the judgment and order of acquittal rendered by the JMFC, Miraj on 16.07.2014 by which the respondent – accused has been acquitted.

2. Heard learned Counsel for the applicant, learned Counsel for the respondent no.1 – Original Complainant and the learned APP.

3. There is absolutely no substance in this application seeking special leave to appeal *qua* the following few simple reasons. It is evident from the record as well as from the observations made in para 13 of the impugned judgment by the Magistrate is that, the complainant has even failed to prove the dishonour of disputed cheques, in the sense, there is substantial variance in the details of all the four cheques namely Cheque Nos. 473192, 473193, 473194 and 473195 *vis-a-vis* the returned unpaid memo issued by the Syndicate bank for the reasons 'funds insufficient'. The cheque numbers are quite different than what had been depicted in the cheque return memo. The cheque Nos. 437192, 437193, 437194 and 437195 are different than the cheque numbers mentioned in the cheque return memo.

4. Apart from that the complainant did not tender cheque deposit slip for proving the fact of different cheque numbers before the trial Court.

5. If it was a transaction in respect of sale of an immovable property for which the complainant claims to have paid Rs.8 lac

cash to the accused, surprisingly, there is no document on record indicating any agreement in respect of the purchase of the said immovable property.

6. As such, there is absolutely nothing by which special leave to appeal can be granted.

7. The application is devoid of any merits and stands rejected.

(PRITHVIRAJ K. CHAVAN, J.)