

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

APPLICATION FOR LEAVE TO APPEAL (PVT.) NO. 357 OF 2017
WITH
APPLICATION FOR LEAVE TO APPEAL (PVT.) NO. 358 OF 2017
WITH
APPLICATION FOR LEAVE TO APPEAL (PVT.) NO. 359 OF 2017
WITH
APPLICATION FOR LEAVE TO APPEAL (PVT.) NO. 360 OF 2017
WITH
APPLICATION FOR LEAVE TO APPEAL (PVT.) NO. 361 OF 2017
WITH
APPLICATION FOR LEAVE TO APPEAL (PVT.) NO. 362 OF 2017
WITH
APPLICATION FOR LEAVE TO APPEAL (PVT.) NO. 363 OF 2017
WITH
APPLICATION FOR LEAVE TO APPEAL (PVT.) NO. 364 OF 2017
WITH
APPLICATION FOR LEAVE TO APPEAL (PVT.) NO. 365 OF 2017
WITH
APPLICATION FOR LEAVE TO APPEAL (PVT.) NO. 366 OF 2017
WITH
APPLICATION FOR LEAVE TO APPEAL (PVT.) NO. 367 OF 2017
WITH
APPLICATION FOR LEAVE TO APPEAL (PVT.) NO. 368 OF 2017

Anandrao Sarjerao Thombare ... Applicant

Versus

Prakash Digambar Lanjekar and Anr. ... Respondents

Mr.Rajaram V. Bansode, Advocate for the Applicant in all Appeals.

Mr.N.B.Patil, APP for the Respondent No.2 – State.

CORAM : S. M. MODAK, J.

DATED : 17th JANUARY, 2023

P. C. :-

1. Earlier, the notice was served on son of the Respondent and this

Court has noted this fact in the order dated 20th July, 2022. On that day, Court has asked for issuing notice against Respondents. Spare copies were not given and hence, notice was not issued. However, Respondents were served through a private notice and affidavit to that effect is filed on record.

2. Heard learned Advocate Shri.Rajaram Bansode for the Applicant. There were 12 complaints filed against the Respondent-Accused for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 (26 of 1881). Those 12 cheques were issued to the Complainant because the Complainant has paid part consideration to the farmers on behalf of the Respondent-Accused. It is for the reason that Respondent-Accused has agreed to purchase the land from those farmers.

3. Complainant gave evidence before the trial Court. There is also notice issued by Respondent-Accused to the Complainant making that grievance and even complaint under Section 156(3) of the Code of Criminal Procedure, 1973 (2 of 1974) was filed.

4. The Accused requested the learned Magistrate to issue summons and to call documents. Copy of that application is filed on record. It is not clear ; whether summons was issued and whether documents were produced / witness was examined.

5. Learned Advocate seeks time to take instructions.

6. In view of that, matter be kept on 31st January, 2023.

(S. M. MODAK, J.)