

1. Heard learned counsel for applicant and learned A.P.P. for respondent No.1 - State. Perused record. The respondent No.2 - accused was acquitted on the basis that the cheque issued was, after the lapse of period of limitation, for recovery of loan. The learned counsel relied on the case of Dinesh B. Chokshi Vs. Rahul Vasudeo Bhatt & anr., reported in [2013(2) Mh.L.J. 130] to submit that, the cheque issued for discharge of debt which is barred by law of limitation itself amounts to promise under the Contract Act and thus, is

enforceable and the debt concerned would be legally enforceable debt.

2. There is arguable case. Leave is granted. Application is allowed. Application is converted into Criminal Appeal.

3. Appeal is **admitted**.

4. Learned A.P.P. waives service for respondent No.1 / State after admission of appeal.

5. Paper Book be got prepared.

6. Action under Section 390 of the Code of Criminal Procedure be taken against the respondent No.2 - accused in the trial Court and brief report of compliance be called.

(A.I.S. CHEEMA, J.)