

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION (ALP) NO.117 of 2015

Gautam R. Ashra V/s. Priti M. Poladia & Anr.

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Prothonotary's orders	Court's or Judge's orders
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Mr.Jahangir Khajotia a/w Ma.Siddhi Doshi I/by M/s.Bilawala & Co.,
for the applicant-appellant.

Mrs.Anamika Malhtora, APP for the respondent-State.

CORAM : A.R. JOSHI, J.
DATE : 17TH JULY 2015

P.C.:

1. Heard learned counsel for the applicant-original complainant. This is an application for leave to file appeal challenging the acquittal of respondent no.1 in the matter of offence punishable under section 138 of Negotiable Instruments Act. There was no agreement proved between the parties as to the respondent wife acknowledging the liability of her husband to pay the amount to the complainant. Apparently the giving of the cheque is not disputed. Even respondent did not enter into her defence.

2. Respondent no.1 is duly served and acknowledgment is filed on record along with affidavit filed on behalf of the complainant. In the opinion of this Court there is a debatable issue as to legally enforceable debt and as such the same is required to be discussed in detail at the final adjudication of the appeal, hence present application for leave is allowed. The leave application be treated as appeal memo. Necessary amendment be carried out. The appeal is admitted.

3. Process under section 390 of Cr.P.C. be issued against respondent no.1 with direction to the trial Court to release respondent no.1 on bail in a sum of Rs.500/-.

4. Learned APP for respondent no.2-State waives service.

5. Call for R & P.

(A.R. JOSHI, J.)