

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPLICATION NO.107 OF 2014

(For Delay Condonation)

IN

CRIMINAL APPLICATION NO._____OF 2015

(For Leave to Appeal)

Mr.Manoj Chitalia, Proprietor-M/s.J.D.Steels ... **Applicant**

V/s.

The State of Maharashtra & Anr. ... **Respondents**

.....

None for the Applicant.

Mr.Deepak Thakre, APP for the Respondent/State.

....

CORAM : A. M. THIPSAY J.

DATED : 9TH JANUARY, 2015

P.C.

Parties and their advocates are absent.

2. Heard the learned APP for the respondent No.1/State.

3. The delay is condoned and the application for leave to appeal is considered on merits.

4. I have gone through the application. I have gone through the impugned judgment.

5. The learned Magistrate held that part payment in respect of amount allegedly due and payable to the applicant had been made by the respondent i.e. accused. The Magistrate, therefore, held that the amount of the cheque was larger than the amount of the liability of the respondent towards the applicant. This finding of the Magistrate is based on certain admissions given by the applicant in the course of his examination during the trial.

6. The view of the evidence as taken by the Magistrate, is a possible view. It is well settled that under such circumstances grant of leave would be futile.

7. Leave refused.

8. Application is rejected.

(A. M. THIPSAY J.)