

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.174 OF 2013

M/s. Sheeba Kuries Ltd.

...Applicant

Versus

Mr. Devendrakumar R. Shukla & Anr.

...Respondents

.....

Mr. Abhaykumar Apte for the Applicant.

Mr.J.H. Ramugade, APP for Respondent No.2- State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 10th SEPTEMBER, 2015.

P. C. :

Heard the learned counsel for the applicant and perused the notes of evidence as well as the impugned judgment.

2. The learned Magistrate has acquitted the respondent-accused of offence u/s 138 of the N.I. Act mainly on the ground that PW-1 Sudhakaran Nair was not authorised to represent the complainant company. The records *prima-facie* reveal that PW-1 had produced certified true extract of minutes of meeting of the Board of Directors. The learned trial Judge has not relied upon the same on the ground that the signatory to the said resolution has not been examined. This

is an issue which needs to be adjudicated on merits. Arguable points are raised. Hence, leave is granted. Appeal is admitted.

3. The learned Judicial Magistrate, First Class, Khadki, Pune to comply with provisions of Section 390 of the Cr.P.C. and release the respondent no.1 accused on bail on furnishing bail bonds of Rs.10,000/- with one surety in the like amount.

(ANUJA PRABHUDESSAI, J.)

CERTIFICATE

Certified to be true and correct copy of the original signed
Judgment /order.