

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPLICATION NO.2174 OF 2007

Krishna Texport and Capital Markets Ltd. ... **Applicant**

V/s.

Mrs.Ila A. Agrawal & Ors. ... **Respondents**

.....

Mr.Ajit Anekar i/b. Auris Legal, Advocate for the Applicant.

Ms.R.M.Gadhvi, APP Advocate for the Respondent No.3/State.

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CORAM : ABHAY M. THIPSAY J.

DATED : 10TH DECEMBER 2015

P.C.

1. By this application, the applicant, who is the original complainant, seeks leave to file an appeal against the order of acquittal of the respondent Nos.1 and 2, as passed by the Metropolitan Magistrate, 13th Court, Dadar, Mumbai. The matter had come up before this Court in the year 2008, when this Court refused leave to file an appeal against the said Order of acquittal. The appellant carried the matter to the Apex Court. The Apex Court was pleased to set aside the Order passed by this Court refusing to grant leave, and remand the matter back to this Court for considering the application for leave to appeal and merits of the matter afresh. It is, under these circumstances, the matter now again appears before this Court.

2. I have gone through the order passed by this Court on 06/05/2008 refusing leave to file an appeal, which, as aforesaid, has been set aside by the Supreme Court of India.
3. I have heard the learned counsel for the applicant.
4. Leave granted.
5. The Application for leave to appeal be treated as a Memo of Appeal and be numbered accordingly. Necessary amendments be carried out within a week.
6. The Appeal is admitted.
7. Issue notice to the Respondents.
8. The Respondent Nos.1 and 2 shall execute personal bonds in the sum of Rs.15,000/- each, before the trial Court within a period of four weeks from the service of notice on them.
9. Liberty to either of the parties to move the Court for getting a date for final hearing of the appeal fixed after receipt of Record and Proceedings.

(ABHAY M. THIPSAY J.)

CERTIFICATE

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