

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPLICATION NO. 289 OF 2013

Dinesh Suresh Jain .. Applicant

Versus

Kishore B. Loria & Anr. .. Respondents

Mr. S.V. Sadavarte, Advocate for the applicant

Mrs. P. P. Bhosale, APP for the State

Mr. T. R. Balsura, Advocate for respondent.

CORAM:-A. R. JOSHI, J.

DATED : -16/06/2015

P.C.

Heard rival arguments on this application for leave to file appeal challenging the judgment and order of acquittal of the respondent No. 1, in the matter of offence punishable u/s 138 of Negotiable Instruments Act.

2 It is admitted position that giving a cheque by the respondent-accused to father of the applicant and that also as and by way of security. The cheque is payable to A.S. Jain. The applicant is A. S. Jain and he is proprietor of Dinesh Suresh Jain, a proprietary

concern. Admittedly there is a question to be dealt in detail and which is debatable in the present appeal whether there was a legally recoverable right in favour of applicant, a proprietary concern and in whose name the concern cheque was given by the respondent. As such the present appeal is required to be admitted and the said aspect shall be dealt in detail at the final hearing of the appeal.

3 Hence application for leave to file appeal is allowed. The appeal is admitted with process u/s 390 of Cr. P.C., to be initiated against the respondent with directions to the trial Court to release the respondent on bail in a sum of Rs.500/-.

4 Call for R & P.

(A. R. JOSHI, J.)

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