

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (APPA) NO.506 OF 2015

APMC, Nandgaon Khandeshwar, thr its In-charge Secretary

..vs..

State of Mah., thr PSO, PS Nandgaon Khandeshwar, District Amravati and anr

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders
.....

Court's or Judge's Order

Shri A.S. Kilor, Counsel for the Applicant.
Shri Laddad, Addl.P.P. for the State.
Shri S.A. Dhengale, Counsel for NA No.2.

CORAM : V.M. DESHPANDE, J.

DATED : OCTOBER 5, 2015.

Heard.

The non-applicant No.2 – accused was prosecuted for the offence punishable under Section 138 of the Negotiable Instrument Act in criminal case S.C.C. No.307 of 2013. Learned Trial Court on 6.11.2014 acquitted non-applicant No.2 – accused by recording a finding that applicant/complainant - APMC has failed to prove that the cheque, in question, was issued in discharge of his legal liability.

According to applicant/complainant - APMC, non-applicant No.2 – accused has issued a cheque of Rs.25,906/- for payment of cess in respect of goods which non-applicant No.2 – accused has

.....2/-

purchased from applicant/complainant - APMC during the months of April and May, 2013.

It is admitted position that applicant/complainant – APMC is under an obligation to give a written communication to a person like non-applicant No.2 – accused demanding the cess. Though it is the case of applicant/complainant – APMC before the Court below so also before this Court that cess was demanded, no written communication or any document is placed on record showing the cess was demanded. In my view, this aspect has rightly been considered by learned Judge of the Court below.

Since no case is made out for indulgence in the order impugned in this application, the application for grant of leave to file the appeal against acquittal is rejected.

JUDGE

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