

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

CRIMINAL APPLICATION NO.2542 OF 2013

Pramukh Dairy Product Pvt. Ltd.
and another ... APPLICANTS

VERSUS

Dr. Subhash s/o Namdeo Sonwane ... RESPONDENT

.....
Ms Chinmayee Deshpande, Advocate holding for
Shri S.V. Natu, Advocate for applicants
Shri Hemant Surve, Advocate for respondent
.....

CORAM: A.I.S. CHEEMA, J.

DATED: 27th April, 2016.

ORAL ORDER :

1. This application has been tendered against acquittal. Heard learned counsel for the applicants - complainants. According to her, the judgment of the trial Court recording acquittal deserves to be interfered with as she states that, the trial Court wrongly appreciated the evidence and held that the

complainants have failed to prove that the complainant No.1 was a registered Company. She states that, the concerned documents had been filed in another proceedings and thus, they were not available when the trial came up for consideration.

2. Learned counsel for the respondent - accused submits that, the trial Court rightly appreciated the evidence in paras 15 and 16 of the judgment and considered the fact that no document was brought regarding the complainant No.1 to be the registered Company, or that the complainant No.2 had authority to prosecute for the Company. Thus, according to him, leave may not be granted.

3. Going through the material available, it is apparent on record and it is not disputed that although the cheque was issued in the name of Pramukh Dairy Product Pvt. Ltd., the evidence was not brought that such Company was existing and that it was registered. Similarly, evidence was not brought that complainant No.2 Laxman had the authority to prosecute on behalf of the Company. As such, the findings recorded by the trial Court on this count cannot be faulted with and the acquittal recorded cannot be interfered with. There does not appear to be

an arguable case on this count and thus, there is no substance in the application seeking leave against acquittal.

4. Leave is declined. Criminal Application stands rejected.

(A.I.S. CHEEMA, J.)

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