

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

Criminal Application [APPA] No.214 of 2015

(Kailash Radhakrushna Dhawale
vs.
Ganesh Sitaram Tayade)

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

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Court's or Judge's Orders

Shri S.U. Bhuyar, Advocate for the Applicant/Appellant.

CORAM : N.W. SAMBRE, J.

DATE : 21st JULY, 2016.

Heard the learned Counsel for the applicant/
appellant. None appears for the non-applicant/respondent.

He has questioned the acquittal of the non-
applicant/accused in Sum.Cri.Case No.788/2012 for an
offence punishable under Section 138 of the Negotiable
Instruments Act.

It is to be noted that the learned trial Court has
incorrectly shifted the burden on the applicant of proving the
fact that there was collusion between the applicant and one
Sheshrao Deshmukh. The story of collusion is set up by the
non-applicant/accused in his defence and primarily it appears
that the burden lies on the non-applicant to prove the same.

In view thereof, leave to prefer an appeal against acquittal is granted.

Criminal Appeal No. _____/2016 :-

Heard.

ADMIT.

Action under Section 390 of the Code of Criminal Procedure be initiated.

JUDGE

*sdw

C E R T I F I C A T E

I certify that this order uploaded is a true and correct copy of the original signed order.

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P.A. to the Hon'ble Judge.