

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

Criminal Application (APPA) No. 395 of 2016
in
Criminal Appeal No. of 2016

Vishnu Chiranjivlal Pipalwa ..VS.. Shyamsunder Ratanlalji Sharma

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

Court's or Judge's orders

Mr. S.A. Choudhari, advocate for applicant.

CORAM : N.W. SAMBRE, J.
DATED : 13th JULY, 2016.

Heard Shri S.A. Choudhari, learned counsel for the applicant. He submits that the cheques were issued against the promissory notes at Exh. 45 to 48. He would then submit that his defence under section 118 and under section 139 of the Negotiable Instrument Act is inappropriately appreciated by both the courts below by shifting the burden on the complainant to prove that the cheques were issued for the lawful debt.

In my opinion, in view of submissions particularly having regard to the provisions of Section 118 and 139 of the Negotiable Instruments Act, a case for grant of leave is made out. Leave granted.

Criminal Appeal No. of 2016

Heard.

Admit.

Action under section 390 of the Code of Criminal Procedure.

JUDGE