

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.**

17 CRIMINAL APPLICATION NO. 1951 OF 2016

AMIT ENTERPRISES

.. Applicant

VERSUS

SARANSH LOGISTIC

.. Respondent

...

Advocate for Applicant : Shri. P.D. Suryawanshi

Advocate for Respondent : Shri. S.S. Rathi

...

CORAM : P.R. BORA, J.

DATE : SEPTEMBER 11, 2017

PER COURT :

1. Heard Shri Suryawanshi, learned Counsel appearing for the applicant and Shri Rathi, learned Counsel appearing for the respondent. Perused the impugned Judgment.

2. The trial Court has acquitted the respondent i.e. original accused from the offence punishable under section 138 of the Negotiable Instruments Act, 1881 on the ground that, the complainant has failed to prove locus standi to file the complaint. After having perused the impugned Judgment, it appears to me that, the evidence needs to be rescrutinized and the applicant has thus

made out case for granting leave to appeal. Hence, the following order.

ORDER

1. The application is allowed.
2. Appeal be registered in accordance with law.
3. In appeal, issue notice to the respondent. Shri. Rathi waives for the respondent.
4. Call for Record & Proceedings.
5. List the matter for admission on 09.10.2017.

(PR. BORA, J)

ggp