

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

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orders or directions
and Registrar's orders

Court's or Judge's orders

CRIMINAL APPLICATION NO. 2708 OF 2016

SIDRAM ANNARAO KARBHARI.
VERSUS
NAMDEO TUKARAM BOYANE.

...
Advocate for Applicant : Mr.Garud N.C.
Advocate for Respondent : Mr.Kale Mahesh P.

...
CORAM : V.L. ACHLIYA, J.
Dated: January 25, 2017

...
The applicant has moved this application seeking leave to file an appeal against the judgment and order of acquittal passed by the trial Court, on the grounds raised in the application.

2. On due consideration of the rival submissions in the light of the judgment and order passed by the trial Court, I am of the view that an arguable case has been made out to be considered in appeal. In the instant case, the complainant has examined himself as also one witness. The accused has neither examined himself nor any witness. It is, therefore, to be considered as to whether any presumption

is raised in favour of issuance of cheque in discharge of legal liability and the accused has rebutted the presumption. I am, therefore, inclined to allow the application.

3. Accordingly, the application is allowed. Leave is granted under Section 378(3) of Cr.P.C. to file an appeal against the judgment and order of acquittal. Application stands disposed of.

Appeal be registered and placed for admission on 31st January, 2017. Mr. Kale, learned Counsel waives notice for respondent.

(V.L. ACHLIYA,J)