

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO.487 OF 2006

Shri Suresh Maikulal Gupta ... **Applicant**

V/s.

Shri Sanjay Fatehpuria and anr. ... **Respondents**

Mr.Subodh Desai, Mr. Darshan R.Mehta i/by M/s Dhurve Liladhar and Co., Advocate for the Applicant.

None for Respondent No.1.

Mrs. N.S.Jain, APP for Respondent No.2/State.

CORAM : A.M.BADAR J.

DATED : 18th AUGUST 2017.

P.C. :

1. Heard the learned Advocate appearing for the applicant /original complainant. Perused the judgment of the learned Trial Court as well as Trial Court convicting the Respondent/accused, So also the judgment of the Appellate Court acquitting the Respondent/accused of the offence punishable under Section 138 of the Negotiable Instrument Act with a reason that legally enforceable death is not proved. I also perused pleadings as well as evidence adduced by parties. Case for consideration is made out. Hence, leave as prayed is granted.

2. Admit.

3. Call for Record and Proceedings.

4. Notice to Respondents.

5. The learned APP waives notice for Respondent No. 2.

(A.M.BADAR J.)