

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO.48 OF 2016****(For leave to appeal)**

Polygel Technologies (I) Pvt.Ltd.

...Applicant.

Versus

Aplomb Impex and Ors.

...Respondents

Mr.Ajit J.Shobhawat for the Applicant.

Mrs.M.R.Tidke, APP for the State.

CORAM: A.M. BADAR J.DATED: 26th September, 2017**PC:-**

1. Heard the learned advocate appearing for the applicant/original complainant. Perused the impugned judgment and order of acquittal of Respondent No.1 of offence punishable under Section 138 of the Negotiable Instrument Act.

2. The acquittal is with a reason that the transaction in question is not reflected in the returns of income tax furnished by the complainant to the authorities. Prima facie, it appears that this finding is totally perverse. In cross-examination PW-

1, who claims to be Director of the Complainant Company has categorically denied the suggestion that the transaction is not reflected in the return of the income tax furnished by the complainant/company.

3. In this view of the matter the following order:-

ORDER

- (i) The application is allowed.
- (ii) Leave as prayed is granted.
- (iii) Appeal is admitted.
- (iv) The application for leave to appeal be treated as memo of appeal.
- (v) Issue notice to Respondents. The learned APP waives notice for Respondent No.4.
- (vi) Action under Section 390 of the Code of Criminal Procedure to follow before the learned Trial Magistrate.
- (vii) Call for Record and Proceedings.

(A.M. BADAR, J)