

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.383 OF 2016
(for leave to appeal)

J.K.Tyre & Industries Ltd.	...Applicant
Versus	
Swapnil M.Pichad and Anr.	...Respondents

Mr.Deep Narayan Mishra for the applicant
Mr. A.D.Kamkhedkar,APP for the State.

CORAM: A.M. BADAR J.
DATED: 28th September, 2017

PC:-

1. Heard the learned advocate for the applicant/original complainant. Perused the judgment of conviction and sentence for an offence punishable under section 138 of the Negotiable Instrument Act rendered by the learned Metropolitan Magistrate, 72nd Court, Vikhroli, Mumbai as well as judgment of the Appellate Court acquitting the respondent/accused of the offence alleged against him. Prima facie it is seen that cheque was not given for RTGS purpose to the applicant. The cheque was bearing signature of the

respondent/accused. The respondent is dealer of the applicant and goods used to be supplied to him. There are specific averments to that effect in the complaint also. Hence, the following order:-

ORDER

- (i) The application for leave to appeal is allowed
- (ii) Leave as prayed is granted.
- (iii) The appeal is admitted.
- (iv) Issue notice to the Respondents. The learned APP waives notice for Respondent No.2
- (v) In the meanwhile, action under Section 390 of the Code of Criminal Procedure to follow before the learned trial Court.

(A.M. BADAR, J)