

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.409 OF 2016

SUPRIYA S. PRABHU

)...APPLICANT

V/s.

SHRI RAVINDER SAKLANI AND ANR.

)...RESPONDENTS

Ms.Tanu Khattri, Advocate for the Applicant.

Mr.A.R.Kapadnis, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 14th MARCH 2017.

P.C. :

1 Heard. Perused the impugned judgment and order of acquittal of respondent / accused for the offence punishable under Section 138 of the Negotiable Instruments Act, delivered by the learned JMFC, Kalyan, on 24th October 2016.

2 It is seen that two plots were agreed to be purchased by the complainant for which an amount was paid. Subsequently, the contract could not be completed, and therefore, the accused

issued two cheques for refunding the amount deposited by the complainant. Those cheques came to be dishonoured for want of funds. The learned trial court harboured the doubt that the balance amount payable is Rs.6,80628/- whereas the cheque is for Rs.7,00,000/-. This appears to be the predominant ground for which the accused came to be acquitted.

3 Considering the fact that undisputedly the amount was due and payable by the accused for which a cheque came to be issued, which ultimately came to be dishonoured, case for leave is made out. As such, the following order :

- i) Leave granted.
- ii) Admit.
- iii) Issue notice to respondents.
- iv) Call for Record and Proceedings.

(A. M. BADAR, J.)