

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

CRIMINAL APPLICATION (APPA) NO.97 OF 2016

(Deepak Omkarrao Thakre ..vs.. Sangita Nitin Kolhe)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri B.N. Mohta, Advocate for the applicant/appellant,
Shri S. Patrikar, Advocate for the respondent.

CORAM : ROHIT B. DEO, J.

DATED : 04-10-2017

The applicant/appellant is seeking leave to prefer appeal under Section 378(4) of the Code of Criminal Procedure challenging the judgment of acquittal dated 07-12-2015, delivered by the learned Judicial Magistrate First Class, Morshi in Summary Criminal Complaint Case No.304/2012, acquitting the respondent of offence punishable under Section 138 of the Negotiable Instruments Act, 1881.

2. The appeal raises questions which are arguable. Whether the learned Magistrate has correctly appreciated the import and implication of Sections 118(a) and 139 of the Negotiable Instruments Act would also be a question which needs to be addressed in some detail.

3. I am satisfied that this Court should have a second look of the judgment of acquittal. Hence, leave is

granted. The appeal be registered.

Criminal Appeal No. ____/2017.

Heard.

Admit.

List the appeal for final hearing on 06-11-2017.

JUDGE

adgokar