

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

CRIMINAL APPLICATION (APPA) NO.524/2015

M/s. Nupur Sales Corporation ..vs.. Shri Mayur Jethwa

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

Court's or Judge's orders.

Mr. M. R. Johrapurkar, Advocate for applicant.

CORAM : V.M. DESHPANDE, J.

DATED : JUNE 21, 2017

Heard learned counsel for the applicant. Learned counsel for the non applicant remained absent at the time of hearing.

This is an application for grant of leave to file an appeal against acquittal.

The learned trial Court acquitted the non applicant of the offence punishable under Section 138 of the Negotiable Instruments Act. Though, the non applicant has admitted his signature on exh.-22, the disputed cheque, the learned Judge, in my view, has not considered the presumption under Section 118 and 139 of Negotiable Instruments Act. Prima facie, in my view, the learned Judge has not appreciated the evidence of Sanjay-Complainant's witness no.1 correctly.

In view of above, leave to appeal is granted.

The application stands disposed of accordingly.

Criminal Appeal No. _____/2017

Heard.

Admit. Call for the record and proceedings.

JUDGE