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

CRIMINAL APPLICATION (APPA) NO.708 OF 2015

Natwarlal s/o Dhanjibhai Patel ..APPLICANT

VERSUS

Shripad s/o Anant Uttarwar ..RESPONDENT

CORAM : N.W. SAMBRE, J.

DATE : 20th March, 2017

ORAL ORDER

Learned Trial Judge, while dealing with the matter under Section 138 of the Negotiable Instruments Act has ignored the presumption under Sections 118 and 139 of the said Act and has rather misdirected himself as to whether the complainant holds appropriate licence to deal with timber. Once the signature on the cheque is not disputed by the accused, it was expected of the Trial Judge to consider the said issue in the light of scheme of the Negotiable Instruments Act.

2. In view thereof, **admit**.

3. Applicant shall file private paper-book within twelve weeks from today, the application shall stand dismissed without further reference to the Court.

(N.W. SAMBRE, J.)

amj