

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

CRIMINAL APPLICATION (APPA) NO.786 OF 2016

IN

CRIMINAL APPEAL NO. OF 2016

(Nandkishor Vithalrao Ragit ..vs.. Laxman Ganu Nehare)

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

Court's or Judge's orders

Ms. Kavita Prajapati, Advocate h/f. Shri H.N. Potbhare, Advocate for the
appellant,
Shri Arpit Agrawal, Advocate for the respondent.

CORAM : ROHIT B. DEO, J.

DATED : 08-08-2017

This is an application seeking leave under Section 378(4) of the Criminal Procedure Code to challenge the judgment and order of acquittal in Summary Criminal Case No.97/2013. The learned trial Judge is persuaded to hold that the offence is not made out substantially on the premise that the details of the transaction, of which evidence was adduced, are not pleaded.

The learned trial Judge *inter alia* held that the evidence, therefore, would have to be shut out from consideration inasmuch as the evidence was held without any pleading.

In the complaint, there is a statement that the cheque was issued towards satisfaction of the darkhast. I, therefore, find that the applicant has made out an arguable case. Application for leave to appeal is granted.

Criminal appeal be registered.

Criminal Appeal No. _____/2017.

Heard.

Admit.

JUDGE

adgokar