

**IN THE HIGH COURT OF BOMBAY AT GOA**

**CRIMINAL MISC. APPLICATION NO. 68 OF 2017**

**IN**

**STAMP NUMBER MAIN NO. 3364 OF 2016**

**RAJENDRA PRASAD.,** ... Applicant

**Versus**

**RAGHUVVEER YAMAVARAM AND ANR.,** ... Respondents

Shri Ryan Da Piedade Menezes, Advocate for the Applicant.

Shri Prasad U. Dessai, Advocate for the Respondent No. 1.

Coram:- C. V. BHADANG, J.

Date:- 28th February 2018

**P.C:**

This is an application for leave to appeal against acquittal.

2. On hearing the learned Counsel for the parties and on perusal of the impugned judgment, it appears that the respondent no. 1 has been acquitted on the ground that the applicant has failed to establish that the cheque was issued in discharge of a legally enforceable debt. It appears that there were two documents produced, namely, Exhibit Nos. 21 and 22, evidencing the transaction.

3. The learned Magistrate has found that there is no document evidencing the transaction between the complainant and the

accused, in as much as, the amount of Rs.2,50,000/- was allegedly given for medical treatment of one Ravindranath Srivastava, at the instance of the respondent no. 1. In any case, the matter requires consideration as to the effect of the documents at Exhibit Nos. 21 and 22.

4. The parties submit that they are exploring the possibility of settlement.

5. Considering the overall circumstances, I find that this is a case in which, leave to appeal against acquittal needs to be granted. Hence, the application is allowed as prayed. Let the Criminal Appeal be registered, which shall be treated as Admitted. The learned Magistrate to take action under Section 390 of the Code of Criminal Procedure.

6. It would be open to the parties to inform about any settlement, if eventually reached.

C. V. BHADANG, J.

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