

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO.02 OF 2016

Trimurti Nagari Sahakari Pat Sanstha Ltd.

... **Applicant**

V/s.

Shri. Bhausahab Dadu Thombare

... **Respondent**

Mr. R.A. Naik i/by U.R. Mankapure for the Applicant.

Ms. R.M. Gadhvi, APP for the Respondent State.

CORAM : A.S.GADKARI, J.

DATE : 19th MARCH, 2018

P.C.:

1. This is an application under Section 378(4) for leave to file appeal against the judgment and order dated 20.10.2015 passed in Summary Criminal Case No.615 of 2008, by the learned Judicial Magistrate First Class, Jaysingpur, thereby acquitting the respondent from the offence punishable under Section 138 of Negotiable Instrument Act (hereinafter referred to as the N.I.Act).

2. Heard the learned counsel for the applicant and perused the record.

The evidence on record clearly reveals that the applicant has failed to prove the basic fact that, he infact had issued a notice under Section 138 of

the N.I.Act and the Respondent No.1 had received it. As the applicant failed to prove the said basic fact as contemplated under Section 138 of the Negotiable Instrument Act, the Trial Court has acquitted the respondent from the offence alleged against him.

3. After perusing the entire record, this Court is of the opinion that the view adopted by the Trial Court is a reasonable and probable view in the facts and circumstances of the present case.

No case is made out for grant of leave.

4. Application is accordingly rejected.

(A.S.GADKARI, J.)