

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION [ALP] NO.191 OF 2015

Sonhira Sahakari Sakhar Karkhana Ltd ... **Applicant**

V/s.

Dattatraya Wamanrao Bhange and anr ... **Respondents**

Mr.Mahindra Balasaheb Deshmukh for the applicant.

Mr.Avinash Bhaskar Avhad for respondent no.1.

Ms.Anamika Malhotra, APP for the respondent/State.

CORAM : A.M.BADAR J.

DATED : 6th JUNE 2018.

P.C. :

1. Heard the learned Advocate appearing for the applicant / original complainant.

2. Perused the impugned judgment dismissing the complaint for offence punishable under Section 138 of the Negotiable Instruments Act with the reasoning that because of discrepancies in respect of the amount of Rs.5,000/- as well as Rs.8,400/- in the account statement, the complainant failed to establish that the accused is liable to pay the cheque amount as alleged by the complainant. The cheque was for an

amount of Rs.41,77,304/- paid by the complainant to the accused / Contractor for transport of sugar cane to the factory. Reply to the statutory notice sent by the accused to the complainant show that the accused was liable to pay some amount to the complainant. In this view of the matter, the following order;

:: ORDER ::

- (i) Leave as prayed for is granted. Admit.
- (ii) Memo of application for leave to appeal be treated as memo of appeal and the applicant to make necessary amendments therein.
- (iii) Call for Record and Proceedings.
- (iv) In the meanwhile, action under Section 390 of the Cr.P.C. before the Trial Court.

(A.M.BADAR J.)