

Dond

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

**CRIMINAL APPLICATION NO. 25 OF 2013
WITH
CRIMINAL APPLICATION NO. 26 OF 2013**

Bharat Mohanlal Randeria

..Applicant

Vs

State of Maharashtra & Ors

..Respondents

Mr. Sushant Golatkar i/b Ashish Chavan for applicant.
Smt. Anamika Malhotra, APP for State.

CORAM : A.S.GADKARI, J.

DATE : 25th APRIL 2018.

P.C.:

1] This is an application under Section 378 (4) of Cr. P.C. seeking leave to file an appeal against the Judgment and Order dated 6th December 2010 passed in C.C. No.7476/SS/2005 and C.C. No.7477/SS/2005 by the Metropolitan Magistrate, 12th Court, Bandra, Mumbai, thereby acquitting the respondent Nos.1 to 4 from the offence punishable under Section 138 of the Negotiable Instruments Act.

2] Heard the learned Counsel for the applicant. Perused the record.

3] The evidence on record clearly indicates that, the applicant has failed prove the basic fact that the respondents in furtherance of any legally enforceable debt or liability had issued the cheques in question which have been dishonoured on presentation. The evidence on record is lacking in that behalf. It further appears from the record that, the respondents are successful in rebutting the presumption under Section 139 of the Negotiable Instruments Act.

4] After perusing the entire record, this Court is of the 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.

5] No case for grant of leave to file appeal is made out.

Both Applications are accordingly rejected.

(A.S.GADKARI, J.)