

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.20 OF 2016

**512, KAMGAR GRAHAK SAHAKARI SANSTA)
MARYADIT)...APPLICANT**

V/s.

R.B.GUPTA AND ANOTHER)...RESPONDENTS

Mr.Dilip Bodake, Advocate for the Applicant.

Mr.Vikram Chavan i/b. Mr.Rompal Singh Kohli, Advocate for Respondent No.1.

Mr.A.R.Kapadnis, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 8th JUNE 2018

P.C. :

1 Heard the learned Advocate appearing for the applicant/original complainant. The Resolution authorising the Chairman of the Society to file the complaint was annexed to the complaint itself. Apart from that, letter dated 8th July 2009 issued by the respondent/accused, prima facie, demonstrates that the cheque was for legally enforceable debt.

2 Shri Vikram Chavan, the learned Advocate appearing for the respondent no.1 vehemently supported the impugned judgment and order of acquittal and contended that the application for leave to appeal is devoid of substance and the same deserves to be rejected.

3 However, I feel that case for grant of leave and admission of the appeal is certainly made out, in view of the Resolution of the Society, so also the letter acknowledging the debt issued by the accused. Therefore, the order :

ORDER

- i) Leave, as prayed, is granted.
- ii) Admit.
- iii) Call for Record and Proceedings.
- iv) Learned Advocate Mr.Vikram Chavan waives notice for respondent no.1.
- v) Learned APP waives notice for respondent no.2/State.

- vi) In lieu of action under Section 390 of the Code of Criminal Procedure, the respondent no.1 to execute P.R.Bond in the sum of Rs.15,000/- before the learned trial court within a period of two months from today.

(A. M. BADAR, J.)