

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.90 OF 2017

Rajendra Mulchand Trivedi

...Applicant

V/s.

Santosh Shrinivas Zawar & Anr.

...Respondents

.....

Mr. Sachin V. Khandagale I/by Ram & Co., Advocate for the Applicant.

None for respondent No.1.

Mrs. M.R. Tidke, APP for respondent No.2/State.

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CORAM : A.M.BADAR, J.

DATED : 17th OCTOBER 2018.

P.C. :

1. None for the respondent No.1.
2. Heard the learned counsel appearing for the applicant/original complainant.
3. The learned trial Court has not considered presumption operating in favour of the complainant. Issuance of cheque

was not disputed.

4. In this view of the matter, case for consideration is made out.

Hence, the order.

- : ORDER : -

- i) Leave, as prayed, is granted.
- ii) Memo of Application for leave to appeal be treated as Memo of Appeal on effecting necessary amendments thereto.
- iii) Leave to amend to that extent is granted.
- iv) Admit.
- v) Issue notice to respondents.
- vi) The learned APP waives notice for respondent no.2/State.
- vii) Call for Record and Proceedings.
- viii) In the meanwhile, action under Section 390 of the Code of Criminal Procedure before the learned trial court.

(A.M.BADAR J.)