

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

**CRIMINAL APPLICATION NO.60 OF 2014
WITH
CRIMINAL APPLICATION NO.61 OF 2014**

ISHWAR AILDAS FATNANI)...APPLICANT

V/s.

VISHAL H. GUPTA AND ANOTHER)...RESPONDENTS

Mr.Vaibhav Sugdare with Ms.Namrata Jayakar i/b. Jayakars,
Advocate for the Applicant.

Mr.Sanjay Bhatia, Advocate for Respondent No.1.

Mr.P.H.Gaikwad-Patil, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 29th OCTOBER 2018

P.C. :

1 These are applications for leave to appeal challenging
acquittal of the respondent of the offence punishable under
Section 138 of the Negotiable Instruments Act. In my considered
opinion, case for consideration is made out in the wake of Deed of

Undertaking allegedly executed between the parties. Hence, the order :

ORDER

- i) Leave as prayed is granted.
- ii) Memo of Applications for leave to appeal be treated as Memo of Appeals on effecting necessary amendments thereto.
- iii) Leave to amend 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 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 the period of 4 Weeks.

(A. M. BADAR, J.)