

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.82 OF 2015
(For Leave to Appeal - Private)

Ramakant Manaji Jadhav	...	Applicant
V/s.		
Madhrika Singal & Anr.		Respondents

Mr.Sanjay Bhatia, Advocate for the Applicant.
None for the Respondent No.1.
Mr.S.V.Gavand, APP for the Respondent/State.

CORAM : A.M.BADAR J.

DATED : 26th JUNE 2018.

P.C. :

1 None for the Respondent No1.

2 Heard the learned Advocate appearing for the learned
applicant/original complainant. Perused the impugned Judgment
and Order of acquittal.

3 *Prima facie*, it appears that the learned trial Court erred in holding that the cheque was not issued for legally enforceable debt. In fact, hand loan was paid by cheque and the subject cheque was towards the refund of loan.

4 In this view of the matter, the following Order :

ORDER

- (i) Leave, as prayed, is granted.
- (ii) Memo of application for leave to appeal be considered as Memo of Appeal on effecting necessary amendments by the learned Advocate for the applicant. Accordingly, leave to amend is granted.
- (iii) Admit.
- (iv) Issue notice to respondents.
- (v) The learned Additional Public Prosecutor waives notice for the respondent No.2/State.
- (vi) Call for Record and Proceedings.
- (vii) In the meanwhile, action under Section 390 of the Criminal Procedure Code before the learned trial Court.

(A.M.BADAR J.)