

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.97 OF 2017

BABULAL DALCHAND PARMAR)...APPLICANT

V/s.

YOGESH OMKAR JAIN (MADRESA) & ANR.)...RESPONDENTS

Ms.Vrishali Raje, Advocate for the Applicant.

None for the Respondent No.1.

Mrs.M.R.Tidke, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 19th OCTOBER 2018

P.C. :

1 Heard.

2 Perused the impugned judgment and order of acquittal of the respondent of the offence punishable under Section 138 of the Negotiable Instruments Act. Prima facie, it is seen that the learned trial court has not properly considered presumption operating in favour of the applicant. Case for consideration is made out. Therefore 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 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.)