

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.59 OF 2016
(For leave to Appeal – Private)

Prakash Shivram Gurav	...	Applicant
V/s.		
Mangesh Shankar Patil & Anr.	...	Respondents

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Mr.Sanjay C. Prabhu, Advocate for the Applicant.

Ms. Anamika Malhotra, APP for the Respondent/State.

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CORAM : A.M.BADAR J.

DATED : 21st JUNE 2018.

P.C. :

1 None for the respondent No.1, though served.

2 Heard the learned Advocate appearing for the applicant/original complainant. He argued that two cheques each of Rs.7,00,000/- were issued by the respondent No.1 for the discharge of legally recoverable debt and both were dishonoured. According to the learned Advocate appearing for the applicant, the leave application in respect of acquittal in other matter is already allowed and the appeal has been admitted.

3 I have perused the impugned Judgment and Order of acquittal, so also the material placed on record. In view of the fact that the other appeal in respect of the same transaction is already admitted, the following Order :

ORDER

- (i) Leave, as prayed, is granted.
- (ii) Memo of Application for leave to appeal to be considered as Memo of Appeal and the learned Advocate for the applicant is directed to effect necessary amendment thereto within a period of two weeks from today.
- (iii) Admit.
- (iv) Issue notice to respondents.
- (v) The learned Additional Public Prosecutor waives notice for the respondent/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.
- (viii) Put up with Criminal Appeal No.647 of 2018.

(A.M.BADAR J.)