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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO. 321 OF 2012
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M/s Data Care Corporation

..Applicant

Vs

Somnath Mohan Barde & Anr

..Respondents

Mr. Satyavrat Joshi i/b Vidhi Partners for applicant.

Mr. R.S. Pachundkar for Respondent No.1.

Mr. V.V. Gangurde, APP for State.

CORAM : A.S.GADKARI, J.

DATE : 5th MARCH 2018.

P.C.:

1] These are applications under Section 378 (4) of the Cr. P.C., seeking leave to file an appeal against the Judgment and Order dated 6th January 2012 passed by the 14th Judicial Magistrate First Class, Pune in S.C.C. Nos.17389 of 2009, 17387 of 2009, 17388 of 2009, 17390 of 2009 and 17391 of 2009 respectively, thereby acquitting the respondent No.1 from the offence under Section 138 of the Negotiable Instruments Act.

2] Heard the learned Counsel for the applicant and the learned Counsel for the respondent No.1. Perused the record.

The applicant is the original complainant in the aforesaid Summary Criminal Cases filed under Section 138 of the Negotiable Instruments Act. The Trial Court after recording evidence has reached to a conclusion that the applicant has failed to prove its case that, it supplied the goods in question i.e. computer material to the respondent and failed to produce any documentary evidence on record even to infer that the applicant in fact supplied goods to the respondent. That the applicant has also failed to prove the fact that the cheque in question was issued by the respondent No.1 towards legally enforceable debt or liability to the applicant.

3] After perusing the record minutely, this Court is of the opinion that the view adopted by the Trial Court is a reasonable and probable view in the facts and circumstances of the present case and no case for grant of leave to file appeal is made out.

All the applications are accordingly rejected.

(A.S.GADKARI, J.)