

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.443 OF 2018

IN

CRIMINAL APPEAL NO.1630 OF 2011

AND

CRIMINAL APPLICATION NO.442 OF 2018

IN

CRIMINAL APPEAL NO.1631 OF 2011

M/S.PINAK BHARAT AND COMPANY)...APPLICANT

V/s.

ANIL RAMRAO NAIK AND ANOTHER)...RESPONDENT

Mr.Prerak Sharma i/b. Mr.Rakesh Pathak, Advocate for the Applicant.

Mr.Veerdhawal Deshmukh i/b. V.S.Kapse, Advocate for Respondent No.1.

Mr.S.V.Gavand, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 4th APRIL 2018

P.C. :

1 These are applications by the applicant/original complainant M/s.Pinak Bharat and Company for expeditious hearing of the appeals filed by it challenging acquittal of respondent no.1 of the offence punishable under Section 138 of the Negotiable Instruments Act.

2 The learned Advocate appearing for the applicant/appellant drew my attention to the order dated 11th April 2016 passed by this court and submitted that as per this order, the appeals were to be listed for final hearing in the week commencing from 13th June 2016 and therefore, it be listed for final hearing. The learned Advocate appearing for the respondent no.1/original accused has no objection for listing the appeals for final hearing.

3 The Final Hearing Board of this court is comprising of appeals wherein the appellants are undergoing jail sentence after their conviction and therefore, as per judgment of the Honourable

Apex Court in the matter of Hussain vs. Union of India¹, no precedence can be given to the appeals challenging acquittal.

Therefore, the order :

ORDER

The applications are rejected.

(A. M. BADAR, J.)

¹ 2017 (5) SCC 702