

**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 : 4<sup>th</sup> 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 11<sup>th</sup> 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 13<sup>th</sup> 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 India<sup>1</sup>, no precedence can be given to the appeals challenging acquittal.

Therefore, the order :

**ORDER**

The applications are rejected.

**(A. M. BADAR, J.)**

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<sup>1</sup> 2017 (5) SCC 702