

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.95 OF 2018

PREM D. BUDHRANI

)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA AND ANR.)...RESPONDENTS

Mr.Ganesh Gole, Advocate for the Applicant.

Mr.Girish Paryani, Advocate for Respondent No.2.

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

CORAM : A. M. BADAR, J.

DATE : 3rd OCTOBER 2018

P.C. :

1 Heard both sides. Prima facie it is apparent that the learned trial court has ignored the provisions regarding presumption available in favour of the complainant. It is also seen that the defence of the cheque being stolen is not reflected from cross-examination of the complainant. In this view of the matter, 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) Learned counsel Mr.Girish Paryani waives notice for respondent no.2.
- vii) The learned APP waives notice for respondent no.1/State.
- viii) Call for Record and Proceedings.
- ix) In lieu of action under Section 390 of the Code of Criminal Procedure, the applicant to execute P.R.Bond in the sum of Rs.15,000/- before the learned trial court within a period of two weeks.

(A. M. BADAR, J.)

Arti Vilas
Khatate

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Arti Vilas Khatate
Date: 2018.10.04
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