

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

**CRIMINAL APPLICATION No. 143 OF 2015
(LEAVE TO FILE APPEAL)**

The Greater Bombay Co-operative Bank Ltd.Applicant

Vs.

Mr. Ashok M. Hatankar and Anr.

....Respondents

Mr. H.R. Pawar for Applicant

Mrs. Neeta S. Jain -APP for the State

CORAM : PRAKASH D. NAIK, J.
MONDAY, 8TH JANUARY, 2018

P.C.

1. Notice was issued to Respondent No.1. The notice is returned with postal remark "Unclaimed by Respondent No.1". It is also indicated that the intimation of posted to Respondent No.1. The Applicant has filed an affidavit of service which is on record along with the aforesaid remark. None appears for Respondent No.1.

2. This is an application seeking leave to file an appeal against the judgment and order dated 30th December, 2014 passed by the Learned Metropolitan Magistrate, 28th Court, Esplanade, Mumbai in C.C. No. 1288/SS/2012.

3. The Applicant is the original complainant. The complaint was filed by the Applicant Bank alleging offence under Section 138 of the Negotiable Instruments Act. The Trial Court after concluding the evidence, delivered the judgment and order of

acquittal. The Trial Court has accepted all the other issues in support of the complaint except the issue that there was no authorization to file the complaint and on that ground the accused has been acquitted.

4. Considering the issues involved in this matter, the case for grant of leave is made out. Hence, I pass the following order.

Order

- (i) Leave to file an appeal against the judgment and order dated 30th December, 2014 is granted.

[PRAKASH D. NAIK, J.]