

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.144 OF 2015
IN
CRIMINAL APPEAL NO. _____ 2015

Rashmikanth M. Shah	Appellant
versus	
Deepesh Vijay Parikh and another	Respondents

Mr.Kiran Kulkarni with Adv.K.Padmashri for appellant i/by Kulkarni & Associates.

Ms.R.M.Gadhavi, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 12th January 2018

PC :

1. This is an application seeking leave to file an appeal challenging the judgment and order dated 21st January 2015 passed by learned Metropolitan Magistrate, 7th Court, Dadar, Mumbai. The applicant is the original complainant. The complaint was filed for offence under Section 138 of Negotiable Instruments Act. Learned advocate for the applicant submitted that there was sufficient evidence before the Trial Court to convict the accused. The findings of the Trial Court are contrary to the evidence on record.

2. Arguable questions are raised for granting leave to file an appeal. Hence, I pass following order :

ORDER

- (i) Leave to file appeal against judgment and order dated 21st January 2015 passed by the Metropolitan Magistrate, 7th Court, Dadar, Mumbai, in CC No.1503/SS/2012 is granted;
- (ii) The appeal is admitted;
- (iii) Call for record and proceedings.

(PRAKASH D. NAIK, J.)

MST