

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.132 OF 2016

**THE NASHIK MERCHANTS CO-OPERATIVE)
BANK LTD.)...APPLICANT**

V/s.

WALIBA RAMCHANDRA MORE AND ANR.)...RESPONDENTS

Mr.G.R.Agrawal, Advocate for the Applicant.

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

CORAM : A. M. BADAR, J.

DATE : 20th JUNE 2018

P.C. :

1 Heard the learned Advocate appearing for the applicant/original complainant. Perused the impugned judgment and order of acquittal of the respondent of the offence punishable under Section 138 of the Negotiable Instruments Act. Prima facie, it is seen that, reasons recorded for acquittal are not in consonance with the legal provisions. A juristic person always work through its employees who can be authorized to depose

before the court from time to time. Incorrect mentioning of cheque number in the statutory notice would not vitiate the proceedings. In this view of the matter, the following order :

ORDER

- i) Leave as prayed is granted.
- ii) The application be treated as “Memo of Appeal”.
- iii) The learned Advocate for the applicant to effect necessary corrections thereat.
- iv) Admit.
- v) Issue notice to respondents. The learned APP waives notice for respondent no.2 /State.
- vi) Call for Record and Proceedings.
- vii) In the meanwhile, action in terms of Section 390 of the Code of Criminal Procedure, before the learned trial court.

(A. M. BADAR, J.)