

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

**CRIMINAL APPLICATION NO.135 OF 2016
(For Leave to Appeal – Private)**

M/s.Ingram Micro India Limited ... **Applicant**
V/s.

The State of Maharashtra & Anr. ... **Respondents**

.....

Mr.Vivek Patil i/b. Vivek Patil & Associates, Advocate for the Applicant.

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

....

CORAM : A.M.BADAR J.

DATED : 20th JULY 2018.

P.C. :

1 Heard the learned Counsel appearing for the applicant/original complainant.

2 The complaint under Section 138 of the Negotiable Instruments Act, 1881 is dismissed on the ground that only first page of statutory notice was sent to the respondent/accused. The learned Counsel appearing for the applicant points out communication from the respondent/original accused to the complainant in which factum of receipt of statutory notice is accepted.

3 In this view of the matter, case for grant of leave is made out. Therefore, the Order :

ORDER

- (i) Leave, as prayed, is granted.
- (ii) Memo of application for leave to appeal be considered as Memo of Appeal on effecting necessary amendment by the learned Counsel appearing for the applicant.
- (iii) Leave to amend to that effect is granted.
- (iv) Admit.
- (v) Issue notice to respondents.
- (vi) The learned Additional Public Prosecutor waives notice for the respondent No.1/State.
- (vii) Call for Record and Proceedings.
- (viii) In the meanwhile, action under Section 390 of the Criminal Procedure Code before the learned trial Court.

Raju
Dattatraya
Gaikwad

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(A.M.BADAR J.)