

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 185 OF 2017

Mr. Krushna Amrut Mandge

....Applicant.

Vs.

Mr. Sunil Sitaram Garud & Anr.

....Respondents.

Mr. Sachin Punde for the Applicant.

Mr. A.R. Kapadnis, APP for the Respondent-State.

CORAM : A. S. GADKARI, J.

DATE : 13th MARCH, 2018.

P.C.:-

This Application is filed under Section 378 (4) of the Cr. P.C. for leave to file Appeal against the Judgment and Order dated 23rd February, 2017 in SCC No. 425 of 2013, passed by the Judicial Magistrate, First Class, Court No. 7, Kalyan, thereby acquitting Respondent No.1 for the offence punishable under Section 138 of the Negotiable Instruments Act.

2 Heard the learned counsel appearing for the Applicant.
Perused the entire record.

3 The evidence of the Applicant clearly indicates that the Applicant failed to substantiate the basic fact that, for which

transaction the said cheque in question amounting to Rs.4,75,000/- was issued by Respondent No.1 in favour of the Applicant. The evidence of the Applicant clearly indicates that there were several transactions inter-se between the parties, however, the Applicant has failed to substantiate his case of issuance of the cheque for a particular transaction by leading cogent and convincing evidence.

The Trial Court has recorded a finding that the Applicant did not approach the Court with clean hands and there is doubt about his bonafide in lodging the complaint.

4 After perusing the record, this Court finds that, the view adopted by the Trial Court is reasonable and bonafide, in the facts and circumstances of the case.

No case for grant of leave is made out.

5 Application is accordingly rejected.

(A.S. GADKARI, J.)