

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO.154 OF 2016
(For Leave to Appeal)
IN
CRIMINAL APPEAL NO. OF 2014**

Pratap alias Prakash Kripaldas Chugh
(Since deceased through his LRs) .. Applicants
1A) Naina Pratap Chugh & Ors.

Vs.

Deepa Jethanand Rohira & Anr. .. Respondents

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Mr.Anilkumar K. Patil, Advocate for the Applicants.
None for Respondent No.1.
Ms.N.S. Jain, APP for the Respondent - State.

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CORAM : PRAKASH D. NAIK, J.

DATED : FEBRUARY 23, 2018.

P.C. :

This is an application seeking leave to file an appeal against the order of acquittal passed by the trial Court. The applicant is the original complainant. The cheque issued by the respondent-accused for an amount of Rs.31,00,000/-, was dishonoured. Trial Court has accepted the defence of the accused that blank cheque has been handed over to the complainant which was allegedly misused. Learned advocate for the applicants submitted that the accused have not rebutted presumption under

Section 139 of the Negotiable Instrument Act, 1881. Admittedly, the cheque was signed by the accused and the defence of the accused was not established. The accused did not examine herself in support of her defence.

3 Arguable questions are raised in this application which requires grant of leave to file an Appeal against acquittal.

:: ORDER ::

- (i) Leave granted;
- (ii) Admit;
- (iii) Call for record and proceedings.

(PRAKASH D. NAIK, J.)