

*Nalawade*FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 236 OF 2013

Keshrimal M. Mutha and ors. vs. Subhash M.Kulkarni and anr.

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Ms. Majiri Parasnis for the Applicants.

Mr. A.R.Kapadnis,APP for State.

CORAM :A.S.GADKARI, J.

DATE : 3rd April, 2018

P.C.

1. This is an application under Section 378(4) of the Cr.PC. for leave to file appeal against the Order dated 27.2.2013 passed by the learned Judicial Magistrate First Class, Pune, District Pune in Summary Criminal Case No. 6646 of 2007 thereby acquitting the respondent No.1 for an offence punishable under Section- 138 of the Negotiable Instruments Act.

2. Heard the learned counsel for the applicant at length and perused the record.

3. A bare perusal of the complaint would reveal that, it was filed by the applicant on behalf of two partnership firms namely M/s. G.M. Real Ventures and M/s. Mahanagar Constructions. The evidence on record indicates that the

applicant did not produce a letter of authority to file the said complaint. The evidence is silent about the fact that on behalf of which firm the applicant had filed the said complaint and in what capacity. The applicant had failed to establish the fact that which firm is the recipient of the amount of the negotiable instrument in question and it further appears that the applicant has contested the said proceedings with utmost casualness. The Trial Court has acquitted respondent No.1 predominantly on the ground that the applicant has failed to produce on record a letter of authority by a particular firm out of the said two firms thereby authorizing him to file complaint and lead evidence in that behalf.

4. After perusing the record, this Court is of the opinion that, the view adopted by the Trial Court is a reasonable and probable view in the facts and circumstances of the present case.

No case for grant of leave to file appeal is made out.

5. Application is accordingly rejected.

(A.S.GADKARI, J.)