

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.188 OF 2018

HANUMANT MADHUKARRAO NIGADE)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA & ANR.)...RESPONDENTS

Mr.Rahul S. Kadam, Advocate for the Applicant.

Mr.Sujay Gangal, Advocate for Respondent No.2.

Mr.A.D.Kamkhedkar, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 6th OCTOBER 2018

P.C. :

1 Heard both sides. Prima facie it is seen that the document at Exhibit 123 which is an application for leave to defend the suit was not considered by the learned trial court while dismissing the complaint for the offence punishable under Section 138 of the Negotiable Instruments Act. This application was filed by the accused in the summary suit filed by the complainant. It contains admission regarding material facts.

2 In this view of the matter, case for consideration is made out. Therefore, the order :

ORDER

- i) Leave as prayed is granted.
- ii) Memo of Application for leave to appeal be treated as Memo of Appeal on effecting necessary amendments thereto.
- iii) Leave to amend is granted.
- iv) Admit.
- v) Issue notice to respondents.
- vi) The learned APP waives notice for respondent no.2/State.
- vii) Call for Record and Proceedings.
- viii) In lieu of action under Section 390 of the Code of Criminal Procedure, the respondent no.2 to execute P.R.Bond in the sum of Rs.15,000/- before the learned trial court within the period of 4 weeks.

(A. M. BADAR, J.)

Arti Vilas
Khatate

Digitally signed by Arti
Vilas Khatate
Date: 2018.10.08
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