

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 2784 OF 2006

VVF LimitedApplicant.

Vs.

Votara Chemicals Ltd. & Ors.Respondents.

Adv. Shavez Mukri i/by Shreeji & Lal for the Applicant.
Mr. V.V. Gangurde, APP for the Respondent-State.

CORAM : A. S. GADKARI, J.
DATE : 26th MARCH, 2018.

P.C.:-

This is an Application under Section 378(4) of Cr.P.C. for leave to file Appeal against the Judgment and Order dated 9th May 2006 thereby acquitting the Respondent Nos. 1 to 3 from the offence punishable under Section 138 of the Negotiable Instruments Act.

2 Heard the learned counsel appearing for the Applicant and perused the record annexed to the Application.

3 The evidence on record clearly indicates that the Applicant failed to establish the basic and necessary fact that the alleged cheque in question was issued by Respondent Nos. 1 to 3 towards any legally enforceable liability or debt by them. It further appears from the

record that the Respondents were successful in rebutting the presumption as contemplated under Section 139 of the Negotiable Instruments Act. As noted earlier, the record clearly reveals that the Applicant has failed to prove the charge against the Respondents by adducing sufficient and cogent evidence in that behalf.

4 After perusing the record, this Court is of the opinion that the view adopted by the Trial Court is reasonable and probable view, in view of 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.)