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

CRIMINAL APPLICATION NO. 213 OF 2016

Prashant Shankar Yadav

..Applicant

Vs

Vitthal @ Vithu Dnyanu Pendurkar & Anr

..Respondents

Mr. Paras Yadav, for applicant.

Mr. V.V. Gangurde, APP for State.

CORAM : A.S.GADKARI, J.

DATE : 27th FEBRUARY 2018.

P.C.:

1] This is an application under Section 378 (4) of the Cr. P.C. seeking leave to file an appeal against the Judgment and Order dated 10th May 2016 passed by the 7th Judicial Magistrate First Class, Kolhapur in Summary Criminal Case No.3679 of 2014

2] The applicant had filed the aforestated case under Section 138 of the Negotiable Instruments Act. The record indicates that, as the applicant failed to prove the basic and essential fact that, the cheque in dispute was issued by the respondent No.1 towards its lawful liability or debt, the Trial Court was pleased to acquit the respondent No.1 from the offence alleged against him.

3] After perusing the record, this Court is of the opinion that the reasoning given by the Trial Court while acquitting the respondent No.1 is the probable view adopted by it in the facts and circumstances of the present case. This Court finds no error either in law or on facts in the impugned Order.

Application is accordingly rejected.

(A.S.GADKARI, J.)