

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION [ALP] NO.270 OF 2014

Nandu Madhav Vadhawane ... **Applicant**

V/s.

Tushar B. Wagh and anr. ... **Respondents**

Mr.Rameshwar Navanath Gite for the applicant.

Mr.A.B. Tajane for respondent no.1.

Ms.Anamika Malhotra, APP for the respondent/State.

CORAM : A.M.BADAR J.

DATED : 13th JULY 2018.

P.C. :

1. Heard the learned Counsel appearing for the applicant and Mr.Tajane for respondent no.1.

2. Conviction of the respondent/original accused by the learned Trial Court for offence punishable under Section 138 of Negotiable Instruments Act is upset in appeal by the Appellate Court. The learned Appellate Court concluded that the subject cheque was not issued by legally enforceable debt. However, on appreciation of evidence, the

learned trial Magistrate concluded that cheque was towards rent amount for the alleged transaction. *Prima facie* case for consideration is made out. Hence the order;

:: ORDER ::

- (i) Leave as prayed for is granted.
- (ii) On effecting necessary amendment in the application for leave to appeal, the same considered as memo of appeal. Leave to amend to that extent is granted.
- (iii) Admit.
- (iv) Issue notice to the respondents.
- (v) Mr.Tajane waives notice for respondent no.1.
- (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 Cr.P.C., respondent no.1 is directed to furnish P.R. Bond in the sum of Rs.15,000/- before the Trial Court within a period of two months.

Vina
Arvind
Khadpe

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signed by Vina
Arvind Khadpe
Date:
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(A.M.BADAR J.)