

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

CRIMINAL APPEAL NO.237 OF 2016

M/s.Rajshree Steel

.. Appellant

Vs.

Nashik Metal Engg. Works Pvt. Ltd.
& Ors.

.. Respondents

.....

Mr.Ankit Rajput a/w.Mr.Keshav Borhade i/b. Mr.Rajesh H. Jain,
Advocate for the Appellant.

Vedchetan Patil, Advocate for Respondent No.1.

V.S. Mahispurkar, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATED : JANUARY 10, 2018.

P.C. :

The appellant is the complainant. Appeal is preferred challenging the judgment and order dated 17th May, 2016, acquitting the respondent-accused for an offence punishable under Section 138 of the Negotiable Instruments Act, 1881 (NI Act). Learned counsel for the appellant submits that the trial Court has committed an error in acquitting the accused. The trial Court has overlooked the documentary evidence on record and given a contrary finding. It is further submitted that the complainant has proved the liability and, therefore, the order of

acquittal is bad in law. The learned counsel for the respondents, however, disputed the submissions advanced by the learned advocate for the appellant. It is submitted that the trial Court has passed well reasoned order. The complaint was filed belatedly which was time barred. The account was closed and there was no liability to issue the disputed cheques. Learned counsel for the appellant submits that assuming that there is existence of debt, it was time barred.

2 Considering the submissions advanced by both the parties, arguable questions which requires that leave is required to be granted and Appeal has to be admitted.

3 Hence, I pass the following order:

:: ORDER ::

- (i) Leave is granted;
- (ii) Appeal stands admitted;
- (iii) Call for record and proceedings.

(PRAKASH D. NAIK, J.)