

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

**CRIMINAL APPLICATION NO.239 OF 2016
(For Leave to Appeal - Private)**

Shri.Amol Subhash Pawar ... **Applicant**
V/s.
Birla Still Corner & Anr. **Respondents**

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Mr.Sunjay Kshirsagar, Advocate for the Applicant.

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

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CORAM : A.M.BADAR J.

DATED : 26th JUNE 2018.

P.C. :

1 Heard. None for the respondent/accused. Perused the Judgment and Order of acquittal.

2 *Prima facie*, the view taken by the learned trial Court in dismissing the complaint and acquitting the accused of the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 cannot be sustained. Hence, the Order.

ORDER

(i) Leave, as prayed, is granted.

- (ii) Memo of application for grant of leave to be considered as Memo of Appeal on effecting necessary amendment by the applicant.
- (iii) Admit.
- (iv) Issue notice to respondents.
- (v) The learned Additional Public Prosecutor waives notice for the respondent No.2/State.
- (vi) In the meanwhile, call for Record and Proceedings.
- (vii) In the meanwhile, action under Section 390 of the Criminal Procedure Code before the learned trial Court.

(A.M.BADAR J.)