

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION [ALP] NO.266 OF 2017

M/s.Wellknown Polyesters Limited ... **Applicant**

V/s.

The State of Maharashtra ... **Respondent**

Mr.A. M. Sarogi for the applicant.

Mr.S.V. Gavand, APP for the respondent/State.

Mr.N.V. Vechalekar for respondents no.2 to 4.

CORAM : A.M.BADAR J.

DATED : 7th AUGUST 2018.

P.C. :

1. Heard both sides.
2. Perused the impugned Judgment and order of acquittal as well as copies of deposition of witnesses.
3. *Prima facie*, it is seen that the amount due to the applicant/original complainant was paid by the accused to somebody else. There is nothing to demonstrate that the payment was made to the authorised person. Hence, it cannot be said, *prima facie* that by

preponderance of probabilities the accused persons have discharged their onus. Therefore, the case for consideration is made out. Hence the order;

:: ORDER ::

- (i) Leave as prayed is granted.
- (ii) The application for leave to appeal to be considered as memo of appeal on effecting necessary amendment thereto.
- (iii) Admit.
- (iv) Mr.Vechalekar, the learned Advocate waives notice for respondent nos.2 to 4.
- (v) The learned Additional Public Prosecutor waives notice for respondent no.1/State.
- (vi) Call for Record and Proceedings.
- (vii) In the meanwhile, in lieu of action under Section 390 of Criminal procedure Code, the respondents/accused to furnish P.R. Bond of Rs.15,000/- each before the learned Trial Court within a period of four weeks from today.

Vina
Arvind
Khadpe

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