

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION [ALP] NO.359 OF 2015

Anchor Electricals Pvt. Ltd. ... **Applicant**

V/s.

M/s.Softgrip Power Solutions (P) Ltd. & ors. ... **Respondents**

Mr.Sandeep Ramakant Karnik for the applicant.

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

CORAM : A.M.BADAR J.

DATED : 5th JULY 2018.

P.C. :

1. Heard.
2. Perused the impugned Judgment and order of acquittal of the respondents of the offences punishable under Section 138 of the Negotiable Instruments Act.
3. Proved documents are ignored by the learned Trial Court by holding that those are not reflected in pleadings. *Prima facie* it is seen that the proved documents are in respect of the business transactions which ultimately resulted in issuance of cheques by the accused persons in favour of the complainant. Signature of those cheques and the factum of dishonour of those cheques are not in

dispute. Receipt of statutory notice is not in dispute. In this view of the matter, the case for grant of leave is made out. Therefore the order;

:: ORDER ::

- (i) Leave as prayed is granted.
- (ii) The memo of application for grant of leave to appeal be considered as memo of appeal on effecting necessary amendment by the learned Counsel for the applicant/appellant. Leave to amend to that effect is granted.
- (iii) Admit.
- (iv) Issue notice to the respondents.
- (v) The learned APP waives notice for respondent no.5/State.
- (vi) Call for Record and Proceedings.
- (vii) Action under Section 390 of the Cr.P.C. before the learned Trial Court.

**Vina
Arvind
Khadpe**

Digitally
signed by Vina
Arvind Khadpe
Date:
2018.07.04
16:19:32
+0530

(A.M.BADAR J.)