

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

**CRIMINAL APPLICATION NO.439 OF 2013
(For Leave to Appeal – Private)**

Jotirling Finance & Investment Ltd. ... **Applicant**
V/s.
Mrs.Vidya Dilip Chavan & Anr. ... **Respondents**

.....

Mr.Pradeep S. Gole, Advocate for the Applicant.

Mr.S.V.Gavand, APP for the Respondent No.2/State.

None for the Respondent No.1.

....

CORAM : A.M.BADAR J.

DATED : 29th JUNE 2018.

P.C. :

1 None for the respondent No.1.

2 Heard the learned Advocate appearing for the applicant/original complainant. It is seen that the complainant had resolved and authorized Mr.Dinkar Vitthal Phonde to prosecute the complaint under Section 138 of the Negotiable Instruments Act, 1881. The cheque was for payment of loan amount due and payable by the principal borrower as the contesting respondent was the guarantor.

3 In this view of the matter, the following Order :

ORDER

- (i) Leave, as prayed, is granted.
- (ii) Memo of application be considered as Memo of Appeal on effecting necessary amendment. Leave to amend is granted.
- (iii) Admit.
- (iv) Call for Record and Proceedings.
- (v) In the meanwhile, action under Section 390 of the Criminal Procedure Code before the learned trial Court.

(A.M.BADAR J.)