

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No.456 OF 2013
(FOR LEAVE TO FILE APPEAL AGAINST ACQUITTAL)

Magraj Adhar PatilApplicant
Vs.
Vijay Ramchandra Pansare and Anr.Respondents

Mr. Kedar Lad i/b. Mr. R.G. Patil for Applicant
Ms.R.M. Gadhvi -APP for the State

CORAM : PRAKASH D. NAIK, J.
DATE : 16 JANUARY, 2018.

P.C. :-

1. This is an application seeking leave to file an appeal against the judgment and order of acquittal dated 26th July, 2013. The Applicant is the original Complainant, who had filed a complaint for the offence punishable under Section 138 of the Negotiable Instruments Act. The cheques issued by the accused were dishonoured.
2. It is submitted by the Learned APP for the State that the Trial Court is based on the reasons which does not require interference and the judgment is on the finding that the cheques were issued under undue-influence. It is, therefore submitted that the leave may not be granted.
2. Arguable questions are raised in this application and, therefore, leave requires to be granted. Hence, I pass the following order.

ORDER :

- (i) Leave to file an appeal against the judgment and order dated 26th July, 2013 passed by the Judicial Magistrate , First Class, Pimpri, District Pune,in SCC No. 823 of 2013 is granted;
- (ii) Appeal is admitted.
- (iii) Call for record and proceedings.

[PRAKASH D. NAIK, J.]