

Nalawade

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 327 OF 2015
Pandit M.Sanap vs. Anant Laxman Shirude and anr.

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Nirmala Gopal for the Applicant.

Mr. V.V.Gangurde, APP for the Respondent-State.

CORAM : A.S.GADKARI, J.

DATE : 6th April, 2018

P.C.

1. This is an application under Section 378(4) of the Cr.P.C. for leave to file appeal against the Judgment Order dated 19.5.2016 passed by the 2nd Joint Judicial Magistrate First Class, Niphad in SCC No.439 of 2012 thereby acquitting the respondent for the offence punishable under Section 138 of the Negotiable Instruments Act.
2. Heard the learned counsel for the applicant at length and perused the record.
3. It is the case of the applicant that, he had advanced hand loan to the respondent No.1 and in pursuance

thereof the respondent No.1 had issued a cheque in question in his favour which was dishonoured on presentation. The evidence on record clearly reveals that the applicant has failed to prove the basic fact that he in fact had advanced any loan to respondent No.1 by adducing sufficient and cogent evidence in that behalf. The evidence further indicates that respondent No.1 was successful in rebutting the presumption as contemplated under Section-139 of the Negotiable Instruments Act.

No case for grant of leave to file appeal is made out.

4. Application is accordingly rejected.

(A.S.GADKARI, J.)