

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

**CRIMINAL APPLICATION NO.472 OF 2016
(For leave to Appeal – Private)**

Santosh Krishna Waghmode ... **Applicant**
 V/s.
Ganesh Baban Kumbhar & Anr. ... **Respondents**

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Mr.Rajaram V. Bansode, Advocate for the Applicant.

Mr.Rahul S.Kadam, Advocate for the Respondent No.1.

Ms.Anamika Malhotra, APP for the Respondent/State.

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CORAM : A.M.BADAR J.

DATED : 7th JUNE 2018.

P.C. :

1 Heard the learned Advocate appearing for the applicant/original complainant as well as the learned Advocate appearing for the respondent No.1/original accused.

2 Perused the impugned Judgment and Order of acquittal of the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 recorded by the learned trial Magistrate. I have also perused the documents at Exhibit 17B, Exhibit 21 and Exhibit 22, which are in the nature of compromise pursis and compliance thereof.

3 Leave as prayed is granted. Admit.

4 Memo of Application for leave to appeal be considered as Memo of Appeal.

5 The learned Advocate for the applicant to effect necessary amendments thereat.

6 Shri.Kadam waives notice for respondent No.1 and the learned Additional Public Prosecutor waives for respondent No.2.

7 Call for Record and Proceedings.

8 In lieu of action under Section 390 of the Code of Criminal Procedure Code, the respondent No.1 to appear before the learned trial Court and execute P. R. Bond in the sum of Rs.15,000/- within one month from today.

(A.M.BADAR J.)