

*Nalawade*FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 529 OF 2013
Mahesh P. Punjabi vs. Sanjay B. Kanwade and ors.

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.A.A. Naik i/by U.R. Mankapure for the Applicant.
Mrs. Anamika Malhotra, APP for the Respondent-State.

CORAM : A.S.GADKARI, J.

DATE : 26th February, 2018

P.C.

1. This is an application under Section 378(4) of the Code of Criminal Procedure for leave to file appeal against the Judgment and Order dated 9.4.2013 passed by the learned Judicial Magistrate First Class, Miraj.

2. The applicant is complainant in Summary Case No.372 of 2011 filed under Section 138 of the Negotiable Instruments Act. The Trial Court has acquitted the respondent predominantly on the ground that, the applicant failed to substantiate his case that he had advanced any loan to the respondent and on account of failure of the applicant to produce the income tax returns

to substantiate his claim. The record clearly indicates that the applicant has failed to prove the fact that the respondent had issued the said negotiable instrument towards his lawful liability or discharge of its lawful debt. The view adopted by the Trial Court is probable in the facts and circumstances of the present case. I find no error is committed by the Trial Court either in law or facts in the impugned order. . No case for grant of leave is made out.

3. Application is accordingly rejected.

(A.S.GADKARI, J.)