

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.602 OF 2013

(For Leave to Appeal - Private)

Shri Bechanprasad Sukhram Gupta ... **Applicant**
V/s.

M/s. Jay Mechanical Pvt. Ltd. & Ors. ... **Respondents**

.....

Mr.K.K.Malpathak with Mr.Bhaves V. Magam, Advocate for the Applicant.

Mrs.M.R.Tidke, APP for the Respondent/State.

....

CORAM : A.M.BADAR J.

DATED : 28th SEPTEMBER 2018.

P.C. :

1 Heard the learned Counsel appearing for the applicant/original complainant. He argued that the applicant had filed four criminal complaints alleging the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 against the Respondent No.1. All four complaints were dismissed and the application for leave to appeal bearing No.814 of 2011 arising out of one of such complaints is already admitted by this Court vide Order dated 7th December 2015.

2 As leave is granted for one connected matter by this Court vide Order dated 7th December 2015, the following Order :

ORDER

- (i) Leave as prayed is granted.
- (ii) Memo of application for leave to appeal be considered as Memo of Appeal on effecting necessary amendment. Leave to amend to that effect is granted.
- (iii) Admit.
- (iv) Issue notice to respondents.
- (v) The learned Additional Public Prosecutor waives notice for the Respondent No.4/State.
- (vi) Call for Record and Proceedings.
- (vii) In the meanwhile, in lieu of action under Section 390 of the Code of Criminal Procedure, the Respondent Nos.2 and 3 shall execute P. R. Bond of Rs.15,000/- for themselves and also for and on behalf of Respondent No.1 before the learned trial Court within a period of four weeks after effecting service on them.

(A.M.BADAR J.)

Raju
Dattatraya
Gaikwad

Gaikwad RD

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