

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION [ALP] NO.436 OF 2017

Kotak Mahindra Bank Ltd. ... **Applicant**

V/s.

Apex Encon Projects Pvt. Ltd. & ors. ... **Respondents**

Mr.Rajesh S. Patil for the applicant.

Mr. P.H. Gaikwad-Patil, APP for the respondent/State.

CORAM : A.M.BADAR J.

DATED : 19th SEPTEMBER 2018.

P.C. :

1. None appeared for respondents no.2 and 3 despite service. Perused the impugned judgment and order of acquittal as well as statutory notice dated 6th June, 2014 which clearly mentions the cheque number, date, amount and return memo date as well as reason for dishonor of the cheque.

2. Case for consideration is made out as seen from the legal notice as well as the reason given by the learned trial Court for acquitting the respondent/accused recorded in paragraph 31.

Hence, the following order;

:: ORDER ::

- (i) Leave as prayed is granted.
- (ii) Memo of application be considered as memo of appeal on effecting necessary amendment thereof. Admit.
- (iii) Issue notice to respondents.
- (iv) The learned Additional Public Prosecutor waives notice for respondent no.3/State.
- (v) Call for Record and Proceedings.
- (vi) In the meanwhile, action under Section 390 of the Criminal Procedure Code before the learned Trial Court.

Vina
Arvind
Khadpe

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Vina Arvind
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(A.M.BADAR J.)