

*Nalawade*FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 561 OF 2015
Vijay G.Sahu vs. Afjal Mohd. Khan and other

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. Raj Khude for the applicant.

Mr. A.R. Kapadnis, APP for the Respondent-State.

CORAM : A.S.GADKARI, J.

DATE : 6th March, 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 and Order dated 5.10.2015 passed by the Judicial Magistrate First Class, Thane in Summary Case No.918/2015 thereby acquitting the respondent No.1 from the offence under Section 138 of the Negotiable Instruments Act. .

2. The applicant is the original complainant. As the applicant failed to prove the basic fact that the cheque in question was issued by respondent No.1 towards the alleged lawful liability or debt as mentioned in the complaint, the Trial Court was pleased to acquit the

respondent No.1 from the offence alleged against him.

3. Perusal of record would indicate that the defence of respondent No.1 that he had issued the said cheque to the applicant towards some other transaction between the parties inter-se and not for the alleged transaction mentioned in the complaint has substance in it. After perusal of record, this Court is of the opinion that, the view adopted by the Trial Court is a reasonable and probable view in the facts and circumstances of the present case. No case for grant of leave is made out .

4. Application is accordingly rejected.

(A.S.GADKARI, J.)