

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (APPA) NO. 476 OF 2017
IN
CRIMINAL APPEAL NO. _____/2018

(Shri Sai Traders, Thr. its Prop. Shri Anant Vs. Bhalerao Vs. M/s S.M. Briolers and others)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Shri R.P. Joshi, Advocate for the applicant/appellant.
Shri Mayank Agnihotri, Adv. h/f Shri V.V. Bhangde, Adv. for respondent
Nos. 1 to 3.

CORAM: ROHIT B. DEO, J.

DATE: 14th MARCH, 2018.

Heard.

2. Learned Counsel appearing for respondents 1 to 3 has filed on record praecipe, that despite having contacted respondents 1 to 3 telephonically on several occasions, he has not received necessary instructions. The learned Counsel is seeking discharge.

3. Request for discharge would be considered at a later stage after the learned Counsel issues a written notice to respondents 1 to 3 by registered post, putting them on notice that he is seeking discharge and that alternate arrangement be made.

4. However, in the interregnum, I am inclined to

hear the petitioner on the application seeking leave.

5. The appreciation of evidence, particularly as regards the ledger accounts exhibit-49 and the signature of the accountant (Mr. Chandrabala) of the respondents 1 to 3 thereon and as regards the affidavits of admission exhibit-120 and exhibit 121, necessitates that this Court should have a second look at the evidence on record.

6. Leave to appeal is granted.

Criminal Appeal _____/2018

Heard.

2. **Admit.**

3. Issue notice.

4. Record and proceedings is received.

5. Appellant is free to mention the appeal for listing on the final hearing board as soon as the service is complete.

6. In addition to regular mode of service, the appellant is permitted to serve respondents 1 to 3 by Speed Post acknowledgment due.

JUDGE