

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

CRIMINAL APPLICATION (APPA) NO.730/2018

Rungta Tyres, Akola .vs. Ganesh Sahu

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

Court's or Judge's orders.

Mr. V. R. Deshpande, Advocate for applicant.

CORAM : V.M. DESHPANDE, J.

DATED : NOVEMBER 19, 2018

By the present application, the applicant is seeking leave to file appeal against acquittal. The respondent is acquitted by learned Judicial Magistrate First Class, Akola on 22.11.2017 in Summary Complaint Case No.482/2012 of the offence punishable under Section 138 of the Negotiable Instruments Act.

I have heard Mr. Deshpande, learned counsel for the appellant. He invited my attention to the finding recorded by the Court below in the impugned judgment in paragraph nos. 35 and 36, which clearly shows that the Court below has recorded a finding that respondent owes legal debt and in discharge of his liability, disputed cheque was issued, which was dishonoured. In spite of that, the Court below has acquitted the respondent.

In that view of the matter, I pass the following order.

ORDER

- (i) The application is allowed.
- (ii) Leave is granted to appellant to file appeal.
The application is disposed of.

Criminal Appeal No. _____/2018

Heard Mr. Deshpande, learned counsel for the
appellant.

Admit. Call for the record and proceedings.

JUDGE

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