

**IN THE HIGH COURT OF BOMBAY AT GOA**

CRIMINAL MISC. APPLICATION NO. 85 OF 2019  
IN  
STAMP NUMBER MAIN NO. 399 OF 2019

SHREE DANESHWARI TRADERS, REP. BY  
ITS AUT. PARTNER, SHASHIKANT C.  
BHUSANNAVAR.

... Applicant

Versus

ABDUL MUNAF MULLAR AND ANR.

... Respondents

Shri Ashwin D. Bhobe, Advocate for the applicants.

Coram:- NUTAN D. SARDESSAI, J.

Date:- 1<sup>st</sup> April 2019

P.C.:

Heard Shri A.D. Bhobe, learned Advocate for the applicants.

2. Sri A.D. Bhobe, learned Advocate submitted that the learned J.M.F.C. had convicted the accused while the learned Additional Sessions Judge in appeal had raised serious doubts about the status of the applicant as a partnership firm and besides also about the cheques issued in his favour by the respondents when the amount involved was ₹1,07,200/- towards the goods supplied to the respondent/accused. The learned Additional Sessions Judge in his wisdom had considered two different amounts namely ₹24000/- and ₹24700/- in respect of the cheques which were purportedly released to the complainant and hastily concluded that the respondents/accused had sufficiently rebutted the presumption under Section 139 and 118(a) in respect of the said two cheques. The applicant has a good case to succeed on merits

and in view thereof leave to appeal is granted.

3. The application accordingly stands disposed off.
4. The registry to register the appeal.
5. The learned J.M.F.C. to issue notice under Section 390 Cr.P.C.

NUTAN D. SARDESSAI, J.

mv