

BDP-SPS

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 281 OF 2016
(For leave to appeal)**

Adarsha Nagari Patsanstha Maryadit

.... Applicant.

V/s

Mr. Viswas Allapa Ajmane and Anr.

..... Respondents.

Mr. Aditya S. Desai for the Applicant.

Mr. R.M. Pethe, APP for the State.

CORAM: NITIN W. SAMBRE, J.

DATE: NOVEMBER 14, 2019

P.C.:-

1] Heard.

2] As the accused has denied liability to pay the amount by denying cheque in question, the burden is shifted on the applicant/complainant pursuant to the provisions of Section 118 of the Negotiable Instruments Act. The case of the applicant is, the cheque amount of Rs 16,726/- is due and payable towards satisfaction of the loan liability. Though, an extract of loan account was produced by the applicant, the fact remains that same was not proved by the applicant/complainant and that being so, it does not establish that the cheque was issued for legally enforceable debt.

3] In view of above, the view expressed by the learned Court below is a possible view. Hence, leave is refused.

(NITIN W. SAMBRE, J.)