

BDP-SPS

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 448 OF 2019**

S.R. Joshi (Bardikar) Applicant.

V/s

Santosh Popat Khare & Anr. Respondents.

Mr. Omkar Nagvekar i/b Pramod R. Arjunwadkar for the Applicant.
Mr. A.R. Kapadnis, APP for the Respondent/State.

CORAM: NITIN W. SAMBRE, J.

DATE: NOVEMBER 14, 2019

P.C.:-

1] Heard the learned Counsel for the Applicant at length. With his assistance, perused the record produced with the present Application.

2] The case of the Applicant is, cheque was dishonoured which was issued towards payment of consideration of land, sold by third party to the accused. Since seller was not holding Bank Account, claim of the Applicant is, on behalf of the accused, he has parted with the consideration in cash. Parting of such consideration on behalf of the accused is not established through the terms of sale deed executed between the erstwhile land owner Chopadkar Maharaj and the accused.

It is also not established that the Applicant has issued such payment to erstwhile land owner and has obtained receipt to that effect.

3] In that view of the matter, since legally enforceable debt is not established, leave is refused.

(NITIN W. SAMBRE, J.)