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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO. 90 OF 2016**

Trine Animation Studios Ltd.

.....Applicant

V/s.

Arvind B. Singh and another

.....Respondents

Mr. Ashok M. Saraogi for the applicant

Mr. A. A. Palkar APP for the State

**CORAM : NITIN W. SAMBRE, J.**

**DATE : NOVEMBER 27, 2019.**

**P.C.**

Heard.

2 Respondent-accused was acquitted of an offence punishable under Section 138 of Negotiable Instruments Act (Hereinafter referred to as 'the Act' for the sake of brevity) in the matter of refund of the deposit through a cheque as against leave and licence agreement. While recording acquittal, the learned Magistrate has gone on record to observe that the applicant company has failed to establish that its agent was authorised to prefer complaint on its

behalf and the requisite statutory compliance under Section 138 of the Act were followed/complied with.

3 The record produced by the applicant including that of depositions of the representative of the complainant is perused and analysed with the assistance of the learned counsel for the applicant.

4 Since it could be borne out of the record that the order of acquittal is rightly based on finding of failure of the complainant to establish that he was authorised to prefer complaint in question and his failure to establish that there was compliance of issuance of statutory notice under Section 138 of the Act, in my opinion, no case for showing indulgence is made out.

5 Leave is refused.

**[NITIN W. SAMBRE, J.]**