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

CRIMINAL APPLICATION No. 141 OF 2017

M/s. Unique Chains Pvt. Ltd.

Through Its Director

Prem Rajkumar Mehra

...Applicant

Vs.

The State of Maharashtra

and Anr.

...Respondents

Mr. Lalit V. Jain for Applicant

Ms. Renuka M. Lele for Respondent No.2

Mr. S.R. Agarkar -APP

CORAM : SMT. SADHANA S. JADHAV, J.

DATE : MARCH 19, 2019

P.C.:

1. Heard respective counsel. Upon perusal of the notes of evidence and the other documents brought on record, especially, the tax invoice which is at Exhibit '7' in the proceedings before the Lower Court, it is clear that Respondent No.2 herein had signed the tax invoice in order to endorse the receipt of the goods delivered by hand, and, therefore, it cannot be said that the complainant has not proved that the Respondent had issued the cheque towards legally enforceable debt. In view of this leave needs to be granted.

2. Hence, leave is granted. Action under Section 390 of Cr.P.C.. Respondent No.2 shall appear before the Metropolitan Magistrate Court,

Mazgaon at Sewari within four weeks from today and apply for bail. Respondent No.2 shall cause his appearance before the Learned Magistrate once in six weeks during the pendency of the appeal on the date assigned by the Learned Magistrate. Upon failure of attending any two consecutive dates, the Learned Magistrate shall issue non-bailable warrant against Respondent No.2. Criminal application stands disposed of accordingly.

[SMT. SADHANA S. JADHAV, J.]