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Bharat
D. Pandit

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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 341 OF 2018
WITH
CRIMINAL APPLICATION NO.342 OF 2018**

Mrs. Sarika Sunil Gurav (Shelar) Applicant.

V/s

Mr Avinash Murlidhar More Respondent.

Mr. Mahendra M. Agvekar i/b Mr. Sachin P. Gorwadkar for the
Applicant in both the Applications.

Mr. Satyajeet P. Dighe i/b Mr. Kamlesh P. Mali for the Respondent.

CORAM: NITIN W. SAMBRE, J.

DATE: DECEMBER 2, 2019

P.C.:-

1] Both these Applications are for grant of leave to file appeal, as
Respondent-Accused is acquitted of an offence punishable under
Section 138 of the Negotiable Instruments Act.

2] Perused the Judgment impugned.

3] Exhibit-19 is an agreement which is relied on, so as to establish
the admitted liability.

4] It is the case of the Applicant that the amount was advanced in cash. It is not established as to what was the source of the Applicant qua the huge amount of Rs 40,48,000/- which was paid in cash. As such, the learned Magistrate was right in recording a finding that the Applicant has failed to establish that the cheque was issued in respect of legally enforceable debt. No illegality therefore could be noticed in the impugned judgment. Hence, both these Applications for leave to appeal are rejected.

(NITIN W. SAMBRE, J.)