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IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO. 417 OF 2019**

Ravindra Anantrao Pantsachiv

.....Applicant

V/s.

Satish Girish Pathak and another

.....Respondents

Mr. Shashikant D. Chandak a/w Kanchan S. Chandak for the
applicant

Mr. R. M. Pethe APP for the State

CORAM : NITIN W. SAMBRE, J.**DATE : NOVEMBER 5, 2019.****P.C.**

Heard. Application for leave to appeal is taken up for admission
by consent.

2 The submissions of the learned counsel for the appellant-
original complainant are, once the accused admitted his signature
on the cheque, appellant has discharged his burden and there is
presumption against accused in favour of appellant-complainant

about holding of cheque in discharge of legally payable debt. In the aforesaid background, the claim is, judgment of acquittal is required to be reversed.

3 Though accused has admitted his signature on the cheque, however, he has disputed the liability to pay debt as according to him, cheque was never issued in discharge of legally admissible debt.

4 In the cross-examination of the appellant-complainant, he was unable to demonstrate the date on which he has paid the amount to the accused towards security of which the cheque in question came to be issued. Appellant-complainant has also failed to demonstrate his source of amount which was paid as a loan to the accused.

5 Though appellant-complainant in his cross-examination has deposed that the amount was paid at Marine Drive in Mumbai through cash after withdrawing the same from HDFC Bank, still the fact remains that said source was not established or proved by the appellant.

6 In the aforesaid background, order of acquittal which is based on appreciation of evidence particularly when the appellant has failed to discharge his burden in rebuttal appears to be just and proper. No interference is warranted. Application lacks merit, stands dismissed.

[NITIN W. SAMBRE, J.]