

ISM

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO. 439 OF 2019
(FOR LEAVE TO APPEAL)**

Sachin Shantaram Thakur

.....Applicant

V/s.

Dnyaneshwar Bhiku Phalebhai and another

.....Respondents

Ms. Pradnya Jogdand i/b Mr. Vishal Kolekar for the applicant
Mr. S. V. Gavand APP for the State

CORAM : NITIN W. SAMBRE, J.**DATE : NOVEMBER 13, 2019.****P.C.**

Heard.

2 Based on cheque for an amount of Rs. 1,50,000/-, appellant initiated prosecution against respondent-accused for an offence punishable under Section 138 of Negotiable Instruments Act. The case of the applicant rest on a basis of hand loan which was given to respondent-accused on 01/05/2017 which was a holiday.

3 The transaction of hand loan since was denied and the accused has come out with a case of questioning the financial capacity of the applicant to give such loan amount, applicant has entered into witness box by explaining the same to be a friendly transaction.

4 In the cross-examination, applicant failed to withstand the plea of friendship between accused and applicant. He was also unable to demonstrate the source of amount that too on a holiday.

5 In the aforesaid background, in my opinion, no case for grant of leave is made out. Leave is refused.

[NITIN W. SAMBRE, J.]