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IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO. 489 of 2019**

Vilas Dattatray Patil

.....Applicant

V/s.

Darshana Traders through Proprietor
Dipak Devilal Shah and another

.....Respondents

Mr. Kirankumar J. Phakade for the applicant
Mr. V. V. Gavand APP for the State**CORAM : NITIN W. SAMBRE, J.****DATE : NOVEMBER 27, 2019.****P.C.**

Heard.

2 It is the case of applicant/complainant that he, being chartered accountant by profession was in friendly relation with accused for more than 10 years. Out of friendly hand loan transaction, accused issued cheque which was dishonoured resulting into prosecution in question.

3 The fact remains that cheque is dated 13/03/2013, whereas account against which the cheque was issued was already closed on 03/06/2011 i.e. almost two years prior to the date of cheque.

4 The aforesaid defence has prompted the Magistrate to consider the issue of legally enforceable debt.

5 It is the case of the applicant/complainant that amount was given in installments to the accused towards hand loan. There is no iota of evidence to demonstrate the date and the mode making payment of such hand loan.

6 In the aforesaid background, acquittal of respondent/accused is very much justified. No case for indulgence is made out, leave is refused.

[NITIN W. SAMBRE, J.]