

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

**CRIMINAL APPLICATION NO. 489 OF 2018
(Leave to Appeal)
ALONGWITH**

**CRIMINAL APPLICATION NO.490 OF 2018
(Leave to Appeal)
ALONGWITH**

**CRIMINAL APPLICATION NO.491 OF 2018
(Leave to Appeal)**

M/s Cravatex Limited Applicant

Vs.

Panchanan Retail Products Pvt. Ltd. Respondents
& Ors.

Mr. B. Gopalakrishnan a/w Ms. Ishita Merchant a/w Anisha Bodke a/w
Reuben Mascreen for the Applicant in all applications.

Mr. Rahul Agrawal for Respondent no.3 in all applications
Mr. A.A. Palkar APP for State.

Coram : NITIN W. SAMBRE, J.

Date : 5th December 2019

P.C.:

1. In view of admissions given by the representative of the
applicant/complainant in cross-examination about status of respondent
no.3 in the administration of business and liability to pay the amount

by respondent no.3, leave stand refused qua the respondent no.3. The application as such stand rejected to the extent of accused no. 3 namely Navinkumar Goel.

2. As far as accused nos.1 and 2 are concerned, though served none has appeared. The Magistrate ought to have considered that after discharging the initial burden by the applicant-complainant, the presumption as provided under Section 139 of the Negotiable Instruments Act cannot be ignored. That being so, leave granted.

(NITIN W. SAMBRE, J.)