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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 577 OF 2018
(For leave to appeal)**

Somnath Laxman Bhosale

... Applicant.

V/s

Mr. Rajesh Vasant Chatorkar
and Anr.

.... Respondents.

Mr. Sachin Thombare for the Applicant.
Mr. A.R. Kapadnis, APP for the Respondent No.2/State.

CORAM: NITIN W. SAMBRE, J.

DATE: NOVEMBER 11, 2019

P.C.:-

1] Leave of this Court is sought under Section 378 of the Cr.P.C. on the ground that there was legally enforceable liability against the Respondent No.1/Accused.

2] The learned Counsel for the Applicant would urge that once the accused has accepted that cheque was issued for Rs 20,000/-, same amounts to admission of the part liability. He would further urge that presumption in favour of the Applicant that cheque was issued for admitted debt has not been appreciated by the court below.

3] It appears from the record that the Applicant, when entered into witness box, has deposed that, of the total cheque amount of Rs 3,20,000/-, amount of Rs 1,20,000/- was borrowed from one of the friends, whose details were not disclosed. As such, source of Rs 1,20,000/- was also not established.

4] The case of Applicant is that of giving hand loan that too in cash. Once such amount was not reflected in any of the Bank Account or in the balance-sheet of the Applicant, Court below has rightly acquitted the accused. As such leave is refused.

(NITIN W. SAMBRE, J.)