

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (APPA) NO.90 OF 2019

(The Secretary for Agriculture Produce Marketing Committee, Chandur (Railway),
Tah. Chandur (Railway), Dist. Amravati Vs. Prashant s/o Madhukar Gawande)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Shri Sudarshan Ramteke, Advocate for Appellant.

CORAM: ROHIT B. DEO, J.

DATE: 20th JUNE, 2019.

The complainant is seeking leave to appeal against the judgment of acquittal.

2] The question would be whether the statutory presumption is rebutted. It does not appear to be in dispute that the signature on the cheque is admitted. The presumption under Section 118 and 139 of the Negotiable Instruments Act, 1881 stands triggered.

3] My attention is invited to the cross-examination of the complainant. The suggestion given to the witness is that on the date of issuance of communication Exhibit 46 dated 16.06.2016 an amount of Rs.74,646/- is due and payable to the Market Committee. The payment in cash to which reference is made by the learned Magistrate is appears to be prior in point in time. In this view of the matter, it would be appropriate if this Court has a second

look on the material on record.

4] Leave to appeal is granted. Appeal be registered.

5] **Admit.**

6] Issue notice for final hearing.

7] None appears on behalf of respondent.

8] Call for record and proceedings.

JUDGE

NSN