

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

CRIMINAL APPLICATION (APPA) NO.374/2019 IN
CRIMINAL APPEAL NO. _____/2019

Meherbaba Gramin Sahakari Pat Sanstha Maryadit and anr. .vs. Nilkanth
Pandurangji Wani and anr.

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

Court's or Judge's orders.

Mr. A. P. Thakare, Advocate for applicants.
Mr. P.P. Salunke, Advocate for respondent no.1.
Mr. J. Y. Ghurde, A.P.P. for respondent no.2.

CORAM : V. M. DESHPANDE, J.
DATED : AUGUST 23, 2019

Heard Mr.Thakare, learned counsel for applicants, Mr. Salunkhe, learned counsel for respondent no.1 and Mr. Ghurde, learned A.P.P. for respondent no.2.

This is an application for leave to file appeal against judgment and order of acquittal passed by learned Judicial Magistrate First Class, Samudrapur dated 23.01.2019 in Summary Criminal Case No.78/2013, whereby learned Magistrate acquitted non applicant no.1 of an offence punishable under Section 138 of the Negotiable Instruments Act, primarily on the ground that evidence is adduced by his power of attorney holder.

For the reasons stated in the application, the application is allowed. Leave to file appeal is granted.

The application is disposed of.

Criminal Appeal No. _____/2019

In view of the law laid down by the Hon'ble Apex Court in A. C. Narayan Vs. State of Maharashtra with Shri G. Kamalakar Vs. M/s. Surana Securities Ltd & anr.; this appeal is required to be admitted. Hence, Admit.

Call for the record and proceedings.

Since respondent no.1 is appearing through his advocate, no action under section 390 of the Code of Criminal Procedure shall be taken.

In the meanwhile, learned counsel for the applicants to remove the office objections

JUDGE