

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

CRIMINAL APPLICATION (APPA) NO.386 OF 2019

IN

CRIMINAL APPEAL NO. OF 2018

(Shri Gajanan Nagri Sahakari Patsansth Ltd., Akola ..vs.. Lalit Digambar Janorkar)

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

Court's or Judge's orders

Shri S.A. Mohta, Counsel for the applicant,
Shri U.J. Deshpande, Counsel for the non-applicant.

CORAM : ROHIT B. DEO, J.

DATED : 11-06-2019

The submission of the learned Counsel Shri S.A. Mohta is that the accused has not rebutted the statutory presumption under Sections 118 and 139 of the Negotiable Instruments Act, 1881, which stands triggered in view of the complainant establishing the foundational fact.

2. On considering the reasons recorded by the learned Magistrate, I find it appropriate that the material on record should be revisited by this Court.

3. Leave to appeal is granted. The appeal be registered.

4. Shri U.J. Deshpande, learned Counsel waives service for the respondent.

5. It is stated at the bar that the reference which touches the issue of the Forum before which the appeal can be preferred is pending for adjudication. The parties are at liberty to circulate the appeal, if necessary, in view of the decision in reference.

JUDGE

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