

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

CRIMINAL APPLICATION (APPA) 460 OF 2019

(Sunil s/o. Ukandrao Navghare..vs.. Gajanan s/o. Uttamrao Nagpure)

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

Court's or Judge's orders.

Shri A.S. Deshpande, counsel for applicant.

CORAM: ROHIT B. DEO, J.

DATE: 21th JUNE, 2019.

Leave is sought by the original complainant to challenge the judgment of acquittal.

2 The signature on the cheque is not in dispute.

3 Case of the accused is that he borrowed only Rs. 5,000/- and as security, has handed over to the complainant a blank cheque. The case of the complainant is that loan of Rs. 5 lacs was advanced and towards repayment, the cheque in dispute was issued.

4 I have scrutinized the judgment impugned and the reasons recorded by the trial Court for disbelieving the case of the prosecution that loan of Rs. 5 lacs was advanced. The pivotal question would be whether the accused has rebutted the presumption as would shift the burden on the complainant.

5 An arguable case is made out. Hence, leave to appeal granted.

6 The appeal be registered.

7 Admit.

8 Call for R & P.

9 Shri R.T. Shinde, waives notice for respondent.

JUDGE