

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

CRIMINAL APPLICATION (APPA) 484 OF 2019

(Ishwar Krushnaji Ragit..vs.. Gulab s/o. Dadaji Ratankar)

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

Court's or Judge's orders.

Shri A.I. Ragit, counsel for applicant.
Shri R.R. Vyas, counsel for respondent.

CORAM: ROHIT B. DEO, J.

DATE: 5th JULY, 2019.

Leave is sought to challenge the judgment of acquittal dated 20.10.2018 whereby the respondent – accused is acquitted of offence punishable under section 138 of the Negotiable Instruments Act, 1881.

2 The line of cross-examination would suggest that the defence is that the accused did not maintain an account with the concerned bank. Nothing is however said in the statement recorded under section 313 of the Criminal Procedure code. The accused has neither stepped into the witness box nor has examined any witness in defence. The officer of the bank is examined who has categorically denied the suggestion that the cheque book is not issued to the accused. It is true that the said witness states that there is no record of the account opening application of the accused with the bank.

3 Arguable issues are raised and it would be

appropriate if this Court has a second look at the evidence on record.

4 A case for grant of leave is made out, hence, leave to appeal is granted, the appeal be registered.

5 Notice be issued for final hearing.

6 R & P be called.

7 Shri R.R. Vyas, the learned counsel waives service for respondent.

JUDGE