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

Criminal Application [APPA] No.532 of 2019

Shrikrupa Poultry Feeds
Vs.
Sunil Babanrao Sontakke

=-=
Office notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders. — *Court's or Judge's Orders*
=-=

Shri P.R. Agrawal, Advocate for the Applicant-Appellant.

CORAM : S.M. MODAK, J.
DATE : 22nd OCTOBER, 2019.

Heard the learned Advocate for the appellant-complainant. No one is present for the respondent-accused, though there is an appearance through Advocate.

On one hand, the learned Magistrate has considered the admission of liability by the accused through notice-reply and through acknowledging the balance confirmation certificate, whereas on the other hand, the learned trial Magistrate has found the computerized ledger accounts defective. The trial Court has mainly given two reasons, one is, manual accounts were not produced and second is the author of computerized ledger was not examined. Furthermore, it is pointed out that the computerized ledger accounts statement did not reflect the true transaction between the parties in the sense that the accused has in fact paid Rs.49,500/- but it is not reflected in the accounts statement.

The complainant has got explanation for that. The said payment of Rs.49,500/- is also shown

in the accounts statement but at different date. The receipt relied upon by the accused is dated 05/03/2012, whereas entry on 28/02/2012 suggests receipt of the said amount. It is not considered by the trial Court properly. I find merit and the appellant needs to be granted leave to prefer an appeal.

While giving dictation, learned Advocate Shri S.N. Gupta, holding for learned Advocate Shri M.V. Rai for the respondent, appeared and requested for adjournment for want of instructions from the accused. When I have already heard the complainant and given dictation, I do not find it necessary to adjourn the matter on that ground. The accused can agitate his grievance when the appeal will be heard.

Leave is granted to prefer an appeal and the appeal be registered. The application is allowed and disposed of accordingly.

Criminal Appeal No._____/2019 :-

Heard.

Admit.

No fresh notice is required to be issued to the respondent-accused, since learned Advocate appearing for the respondent dispenses with the notice.

Call for record and proceedings.

Prayer for dispensing with the paper-book will be considered later on.

JUDGE

**sandesh*