

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

**CRIMINAL APPLICATION (APPA) NO.782 OF 2018**

(Ajitpalsingh s/o Nirmalsingh Khalsa Vs. Nilesh Sudhakar Rahate and another)

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

*Court's or Judge's orders.*

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Shri P.J. Mehta, Advocate for Applicant.

**CORAM: ROHIT B. DEO, J.**

**DATE: 20<sup>th</sup> JUNE, 2019.**

The applicant – complainant is seeking leave to appeal against the judgment of acquittal in complaint under Section 138 of the Negotiable Instruments Act, 1881.

2] The accused admitted the signature on the cheque. The defence of the accused is that he handed over seven blank cheques to the complainant. The complainant claims that he sold a Tractor which was financed by Sundaram Finance Company Limited. The accused contends that the cheques were handed over to the complainant for forwarding the same to the said Finance Company. Having considered the evidence on record and the findings recorded by the learned Magistrate, it would be appropriate if this Court revisits the material on record to ascertain whether the statutory presumption is rebutted.

3] Leave to appeal is granted. The appeal be

registered.

4]        **Admit.**

5]        Issue notice to respondent for final hearing.

6]        Call for record and proceedings.

**JUDGE**

NSN