

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

CRIMINAL APPLICATION (APPA) 1219 OF 2018

(Bhartiya Sindhu Co.Op. Society Ltd Akola..vs.. Arvind Shankarsa Chikar)

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

Court's or Judge's orders.

Mr. S.A.. Mohta, counsel for applicant.
Mr. V.J. Deshpande, counsel for respondent.

CORAM: ROHIT B. DEO, J.

DATE: 2nd JULY, 2019.

Leave is sought to challenge the judgment of acquittal.

2 The accused is acquitted of offence punishable under section 138 of the Negotiable Instruments Act, 1881.

3 The submission of the learned counsel Shri S.A. Mohta is that the signature on the cheque is admitted. The promissory note signed by the accused is admitted. Shri Mohta further submits that the complainant - cooperative society did produce on record the authority letter, account statement alongwith the certificate under section 65(B) of the Indian Evidence Act. The learned counsel Shri V.J. Deshpande invites my attention to the reasoning recorded in paragraph 24 of the judgment impugned.

4 The trial Court has given two reasons for dismissing the complaint. The first is that the authority to represent the complainant – cooperative society is not proved and the second is that legally enforceable debt is not proved.

5 In the light of evidence on record, it would be appropriate if this Court has a second look at the reasons

recorded by the trial Court.

6 An arguable case is made out, hence, leave to appeal
is granted.

7 The appeal is admitted.

8 Call for R & P.

9 Shri V.J. Deshpande, the learned counsel waives
service for the respondent.

10 List the appeal for final hearing after the record is
received.

JUDGE

rsb