

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.488 OF 2004**

Shriram Sahakari Krishi Audyogik Use
Todani and Vahatuk Sanstha LimitedAppellant/Complainant

Vs.

Ashruba Namdeo Golhar & Anr.Respondents/Accused

None for appellant.

None for respondent no.1.

Ms. Anamika Malhotra, APP for State – respondent no.2.

CORAM : K.R.SHRIRAM, J.

DATE : 21st FEBRUARY 2020

P.C.:

1 This is an appeal impugning an order and judgment dated 13th October 2003 passed by Judicial Magistrate First Class, Phaltan, acquitting respondent no.1/accused no.1 of offence punishable under Section 138 of the Negotiable of Instruments Act, 1881.

2 Complainant/appellant is not State. At the inception of the proceedings, complainant/appellant approached this Court with an application to grant special leave to prefer this appeal and only upon granting that, this appeal came on the records of this Court.

3 Though the cause list shows the name of the advocate for appellant, nobody is present. Even respondent is unrepresented.

4 Offence charged under Section 138 of the Negotiable Instruments Act, is not related to the society at large but only against particular person, i.e., complainant, to whom certain sum is due under the cheque. Since complainant/appellant itself is not showing any interest in this

proceeding and remaining absent, this Court has no option, but to revoke the leave granted. Leave granted stands revoked.

5 Appeal dismissed.

(K.R. SHRIRAM, J.)