

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISC. APPLICATION NO. 335 OF 2018

IN

STAMP NUMBER MAIN NO. 1903 OF 2018

Pallavi Sawant

..... Applicant

V e r s u s

Chandrakant Parab

.....Respondent

Mr. P. A. Kamat, Advocate for the Applicant.

CORAM : NITIN W. SAMBRE, J.

DATE : 9th April, 2021

P.C.

Heard.

2. This application is by Complainant in a complaint case for an offence punishable under Section 138 of the Negotiable Instruments Act.

The learned Magistrate acquitted the Respondent-Accused having noticed that the case of the Applicant is that of recovery of the consideration given to the non-Applciant-Accused for carrying out an illegal act.

3. Though the learned Counsel for the Applicant has invited my attention

to the exception in the matter of enforcement of a contract as reflected in the Judgment of the Apex Court in the matter of *Sita Ram vs. Radha Bai* reported in *AIR 1968 SC 534*, the same cannot be gone into and appreciated in a proceedings under the Negotiable Instruments Act.

4. Keeping the said issue open to the benefit of Petitioners to be adjudicated in the competent civil proceedings, no case for grant of leave is made out. As such, the leave stands refused.

5. Consequently, the application stands dismissed.

NITIN W. SAMBRE, J.