IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISC. APPLICATION NO. 162 OF 2019

The Bori Urban Co-op
Credit Society Ltd.,
Rep. Thr. Haren Borkar ...... Applicant

Versus

Sanjay Shantaram Kamat ......Respondent

Mr. Omkar Kulkarni, Advocate for the Applicant.

Mr. Shailesh Redkar, Advocate for the Respondent U/LAS.

CORAM : NITIN W. SAMBRE, J.

DATE : 30th March, 2021

P.C.

On 12.04.2019, compliant-case preferred by the applicant being CC No. 304/OA/NIA/2016/A came to be rejected thereby acquitting the respondent-accused of an offence punishable under Section 138 of the Negotiable Instruments Act.

2. With the assistance of the learned Counsel, I have perused the

cross examination of Pw.1, the witness of the present applicant, who, in categorical terms, admitted in cross examination that as on date of the cheque, a sum of ₹ 1,72,476/- was outstanding but not overdue against the loan facility availed by the respondent.

3. In the aforesaid backdrop, the conclusion drawn by the learned Magistrate that the appellant has failed to prove the issuance of cheque in discharge of a legally enforceable debt or liability, appears to be very much justified.

4. As such, the prayer for grant of leave to appeal is refused.

5. The application is rejected.

NITIN W. SAMBRE, J.