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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 27 OF 2013

ASHOKA BUILDCON LTD

....APPLICANT

V/s.

**UNIQUE REHAB PVT. LTD.
AND ANR**

.....RESPONDENTS

Mr. R. S. Apte, Senior Advocate i/b Mr. A. A. Garge advocate for the Applicant

Mr. Devendra Tiwari i/b Siddharth Murarka for respondent no. 1

Mr. A. R. Kapadnis APP for the State

CORAM : NITIN W. SAMBRE, J.

DATE: NOVEMBER 25, 2021.

P.C.:

1] This is an application for grant of leave to appeal against the Judgment of acquittal dated 01/11/2012.

2] Applicant claims that respondent-accused was supplied with ready mix concrete and towards admitted debt, cheque in question was issued.

3] It is claimed that initial burden is discharged by the applicant based on copy of ledger and the bills Exh. 33. Accused has admitted

about issuance of cheque, however, defence is set up that same was towards security deposit.

4] Prima facie, it appears that applicant has discharged initial burden and as such, it was for respondent-accused to demonstrate that cheque was not issued towards legally enforceable debt. Case for consideration is made out. As such, leave granted.

5] **Admit.**

6] Mr. Devendra Tiwari waives service for respondent.

7] Action under Section 390 of Code of Criminal Procedure, 1973.

8] Call for record and proceedings.

9] Paper-book to be placed on record by the appellant-applicant within 3 months from today.

[NITIN W. SAMBRE, J.]