

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

CRIMINAL APPEAL NO.85 OF 2015

Shri. Divesh Harish Trivedi ..Appellant
Versus
Shri. Deepak Dhirajlal Vasani and Anr. ..Respondents

None for the Appellant.
Mr. M. G. Patil, APP for the Respondent - State.

CORAM : NITIN W. SAMBRE, J.

DATE : 25th NOVEMBER, 2021

PC.

1. On 24th November, 2021 in spite of second call, none appeared for the applicant. As such, matter was posted today for dismissal.

2. Today also, when the matter is called out, none appears for the applicant.

3. The respondent - accused was acquitted in offence punishable under Section 138 of the Negotiable Instruments Act. Perusal of the judgment of the acquittal depicts that the complaint was initiated through a partnership firm of which the applicant claimed to be a partner. Neither the registration certificate nor the deed of partnership was produced on record. Apart from above, service of statutory notice on the respondent – accused is under

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cloud as the witness was unable to support the case of the complainant.

4. In the aforesaid background, acquittal of the accused is based on the appreciation of evidence available on record. The view is a plausible view. That being so, no case for any relief is made out.

5. Appeal as such stands dismissed.

[NITIN W. SAMBRE, J.]