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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 216 OF 2015

MONICA SACHWANI

....APPLICANT

V/s.

CHARUSHILA D. NANAWARE AND ANR

.....RESPONDENTS

Ms. Monica L. Sachwani for the applicant

Mrs. J. S. Lohokare APP for the State

CORAM : NITIN W. SAMBRE, J.

DATE: NOVEMBER 26, 2021.

P.C.:

1] This application for grant of leave is taken out by original complainant who unsuccessfully prosecuted complaint under Section 138 of Negotiable Instruments Act against the respondent.

2] Cause for issuance of cheque in favour of applicant was towards professional fees as the applicant is lawyer by profession.

3] It is settled position of law that professionals like lawyer cannot sue his client under the provisions of Negotiable Instruments Act for dishonour of cheque towards payment of professional fees, in my opinion, acquittal is well justified. That being so, no case for leave to appeal is made out. Leave stands rejected. Application stands disposed of.

4] However, this will not preclude the applicant from taking out proceedings against respondent for recovery of amount independently in civil proceedings.

[NITIN W. SAMBRE, J.]