

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
CRIMINAL APPLICATION NO.262 OF 2015**

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Mohammad Khalik ..Applicant  
Versus  
Ibrahim Mukadam and Anr. ..Respondents

Mr. Murlidhar B. Kale, Advocate for the Applicant.  
Mrs. Rutuja Ambekar, APP for the Respondent - State.

**CORAM : NITIN W. SAMBRE, J.**

**DATE : 7<sup>th</sup> DECEMBER, 2021**

**PC.**

1. Though served, none appears for the respondent.
2. Once the mortgage-deed was admitted by the respondent – accused, so also the liability, in my opinion, the Court below has committed an error in shifting further burden on the applicant/complainant to prove that the cheque was issued in discharge of the legal enforceable debt.
3. As such, leave granted.
4. Admit.
5. Call for record and proceedings.

**[NITIN W. SAMBRE, J.]**