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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 287 OF 2015
WITH
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CRIMINAL APPLICATION NO. 289 OF 2015**

NARESH SITARAM SHIVTARKARAPPLICANT

V/s.

MOHAMMED NAWAZ BABUBHAIRESPONDENTS
KADRI NIYAZWALA AND ANR

**WITH
CRIMINAL APPLICATION NO. 290 OF 2015**

RAJESH SITARAM SHIVTARKARAPPLICANT

V/s.

MOHAMMED NAWAZ BABUBHAIRESPONDENTS
KADRI NIYAZWALA AND ANR

Mr. Ganesh Bhujbal for the applicants
Mr. M. G. Patil APP for the State
Mr. Manish Jain i/b S. M. Jain and Associates for respondent no. 1

CORAM : NITIN W. SAMBRE, J.

DATE: DECEMBER 1, 2021.

P.C.:

1] Case of the applicant-complainant in the complaint case

preferred against the respondent-accused for offence punishable under Section 138 of Negotiable Instruments Act is, dishonour of cheque issued by respondent-accused in discharge of legally enforceable liability.

2] While appreciating evidence of the complainant. Court below in all these three complaints recorded a finding that applicant has failed to establish in his evidence that cheques were issued for legally enforceable admitted debt. Apart from above, Court below has further noticed that applicant-complainant has failed to establish that the cheque was dishonoured for the reason of insufficient funds.

3] Both these findings are based on appreciation of evidence of the applicant-complainant. Applicant has admitted that blank cheques were issued and same were presented after the applicant filled in his name in those cheques. Apart from above, applicant has failed to examine official of the bank on which cheques in question were drawn, so as to prove that for want of sufficient balance in the account, cheques were dishonoured.

4] That being so, findings recorded by the Court below are based on appreciation of evidence. The view expressed is a plausible view. As such, no case for grant of leave to appeal is made out.

5] Applications for leave to appeal stand rejected.

[NITIN W. SAMBRE, J.]

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