

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.369 OF 2015

Digitally  
signed by  
BALAJI  
GOVINDRAO  
PANCHAL  
Date:  
2021.12.15  
12:53:42  
+0530

Zee Entertainment Enterprises Ltd.

..Applicant

Versus

Sunil Wadhwa and Anr.

..Respondents

Mr. Sandesh S. Ladda a/w Mr. Adesh Jadhav and Mr. Sarvesh Dixit  
i/by M/s. Thakore Jariwala & Associates, for the Applicant.

Ms. Sharmila S. Kaushik, APP for the Respondent – State.

CORAM : NITIN W. SAMBRE, J.

DATE : 10<sup>th</sup> DECEMBER, 2021

PC.

1. The respondent/accused was acquitted by the judgment delivered on 21<sup>st</sup> May, 2015 by the Metropolitan Magistrate, 7<sup>th</sup> Court, Dadar, Mumbai.

2. Counsel for the applicant would strenuously urge that the initial burden as contemplated under Section 118 r/w Section 139 of NI Act was duly discharged by the applicant/complainant. According to him, by bringing on record the business relationship, the transaction and the liability to receive from the respondent has been specifically established and as such, the Court below committed an error in appreciating evidence and directed acquittal of the respondent.

3. I have analysed the aforesaid submissions in view of findings of acquittal recorded by the Court below.

4. Admittedly, before filing of the complaint applicant/complainant received an amount of Rs.4,55,263/- and before he could examine his witness Rs.17.5 lakhs on 08.02.2012 and Rs.2.5 lakhs on 25.02.2012.

5. The fact remains that the business transaction between the parties as given maintaining ledger on the part of the applicant and such ledger is not brought on record so as to discharge initial burden that there is liability on the respondent to pay and as such the cheque was issued.

6. As far as the receipt of the aforesaid amount is concerned, none of the aforesaid entries are brought to the notice of the Court below. During the course of evidence, no explanation is coming forth about aforesaid receipt of the amount.

7. In the aforesaid background, order of acquittal passed by the Court below is very much well founded. That being so, no relief for grant of leave is made out. Leave stands refused.

8. Application as such stands rejected.

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