

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (APPA) NO. 133/2021 IN
CRIMINAL APPEAL NO. /2020

(M/s. Shriram City Union Finance Ltd., Vs. Manohar Narayanrao Nikose)

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri N. R. Jadhav, Advocate h/f Shri S. P. Bodalkar,
Advocate for applicant/appellant.
Shri V. A. Dhabe, Advocate for respondent.

CORAM : VINAY JOSHI, J.
DATE : 20.09.2021.

Heard.

2. Despite service, respondent did not appear. Perused the impugned judgment and the record made available. The Trial Court has acquitted respondent/accused by holding that the complainant has failed to establish that there was legally enforceable liability. Learned counsel for the appellant took me through the copy of account extract to show that the due amount was of Rs.2,45,958/-. It was argued that some amount was repaid and thus there is material about the due amount. The Trial Court has considered the

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account which requires fresh consideration. It reveals that there is no dispute about the dishonour of cheque for insufficient fund. In view of that leave is granted as prayed for.

3. Application stands allowed and disposed of.

CRIMINAL APPEAL NO. _____/2021

1. Heard.

2. **Admit.**

3. Learned counsel for the sole - respondent waives service of notice.

4. Stand over after four weeks.

JUDGE

Gohane.