

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

CRIMINAL APPLICATION (APPA) NO. 220 OF 2021

IN
CRIMINAL APPEAL NO. _____

Matru Sewa Sangh, A Public Charitable Trust through its Secretary Smt. Lata
w/o Madhusudan Deshmukh

...Versus...

Shri Rameshwar S/o Onkarrao Gite

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

Court's or Judge's orders

Ms R.S. Dewani, Advocate for the applicant
Shri N.J. Patil, Advocate for non-applicant

CORAM : N.B.SURYAWANSHI, J.

DATE : 14/06/2021

Hearing was conducted through Video Conferencing and the learned counsel agreed that the audio and visual quality was proper.

2. Heard the learned Advocate for the applicant and the learned Advocate for the non-applicant.

3. The applicant had filed private complaint against the non-applicant under Section 138 of the Negotiable Instruments Act for dishonour of cheque of Rs.5,89,038/-. The non-applicant was working with the applicant - Trust as Accountant and he misappropriated the funds of the Trust. He admitted his liability of Rs.5,89,038/- by filing affidavit

and for re-payment of the same, he issued cheque to the applicant which was subsequently dishonoured.

4. The Trial Court convicted the non-applicant for the offences punishable under Section 138 of the Negotiable Instruments Act. However, the learned Appellate Court acquitted him on the ground that there was no valid authorization to the Secretary who deposed on behalf of the complainant. *Prima Facie*, I find that the view of the learned Appellate Court does not appear to be correct. Hence, leave is granted to file an appeal against the impugned judgment and order of acquittal passed by Sessions Judge, Nagpur in Criminal Appeal No. 70 of 2016 dated 27/01/2021.

5. Office to register the appeal.

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6. Heard.

7. **Admit.**

8. Call for record and proceedings.

9. The learned Advocate for the respondent waives service.

JUDGE