

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

Criminal Application (APPA) No. 306/2021

IN

Criminal Appeal No. /2021

Sanjay s/o Balaram Karemore

..VS..

Kashiram s/o Shaligram Lanjewar

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

Court's or Judge's Order

Shri R.M. Vaidya, Advocate for the appellant/applicant

CORAM : VINAY JOSHI, J.

DATED : 03/08/2021

This is an application seeking leave to challenge the order of acquittal passed by the learned Judicial Magistrate First Class, Tumsar in Summary Criminal Complaint No. 92/2015 relating to offence punishable under Section 138 of the Negotiable Instruments Act, 1881.

2. The learned Counsel for the applicant/appellant would submit that lower Court erred in holding that there was no legally enforceable liability i.e. the debt was time barred which resulted into acquittal. He took me through the impugned judgment and the evidence led before the trial Court. It is pointed out that issuance of cheque, signature of accused, receipt of

statutory notice are not denied. According to him, since inception defence of time barred debt was not taken, but without such suggestion, the trial Court relied the defence. In context to said submission, the impugned judgment is gone into.

3. There are triable issues. Hence, leave to file an appeal is granted. The appeal be numbered.

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Issue notice to the respondent, returnable after four weeks.

JUDGE