

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

CRIMINAL APPLICATION [APPA] NO. 342 OF 2021.

Nirmala Ishwarrao Tiwaskar.

-Versus-

Sanjay Madhavrao Lakhekar.

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

Court's or Judge's orders

Shri M.P. Kariya, Advocate for the Applicant/appellant.
None for the Respondent – Served.

CORAM : VINAY JOSHI, J.

DATE : AUGUST 18, 2021

Heard.

2. This is an application seeking leave to prefer an appeal against the judgment and order of acquittal dated 25.03.2021 by the 2nd Judicial Magistrate, First Class, Yavatmal in Summary Criminal Case No.4205/2015, for the offence punishable under Section 138 of the Negotiable Instruments Act.

3. The learned Counsel for the applicant/appellant would submit that the trial Court has acquitted the accused only on the ground that the complainant does not have the financial capacity to borrow the money. According to him, the defence of

accused is totally false since the accused by his notice dated 22.12.2014, has admitted the transaction.

4. Perused the impugned judgment and considered the submissions canvassed. In view of the statutory presumption running in favour of the complainant, the matter requires re-consideration. Hence, leave granted. Appeal be registered.

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Criminal Appeal No. _____/2021.

Heard.

2. Issue notice to the respondent, returnable on 15.09.2021.

3. Call for R & P.

JUDGE

Rqd.