

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

APPLICATION FOR LEAVE TO APPEAL BY PVT. PARTY NO. 30 OF 2021

Mukund Vishwanath Jadhav .. Applicant

Versus

Sunita Mohan Korde .. Respondent

Mr. R. K. Ashtekar, Advocate for the Applicant.

CORAM : KISHORE C. SANT, J.

DATED : 08th DECEMBER, 2022.

P C. :-

1. This is an application for leave to file an appeal against acquittal. The respondent was convicted in a case filed under Section 138 of the Negotiable Instruments Act (for short "N. I. Act") wherein, the present applicant is the complainant. The said conviction is quashed and set aside and the respondent came to be acquitted by the learned Additional Sessions Judge, Aurangabad by its judgment and order dated 03.09.2021 in Criminal Appeal No. 194/2019.
2. Though the respondent is served, none appears for respondent.
3. Considering that, it is an offence punishable under Section 138 of the N. I. Act and in view of conflicting judgments, a case is made out to grant leave to file an appeal against acquittal.

4. The application stands allowed. Leave is granted to file an appeal. Office to register an appeal .
5. Appeal is admitted.
6. Call record and proceeding from the Trial.
7. Stand over to 12.01.2023.

(KISHORE C. SANT, J.)

PS.B.