

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

APPLICATION FOR LEAVE TO APPEAL (PVT.) NO. 19 OF 2020

Transworld Furtichem Pvt. Ltd.
Formerly Known As Trans Agro India Pvt. Ltd. ...Applicant
Versus
The State Of Maharashtra And Anr. ...Respondents

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Mr. Jash J. Dalia, Advocate for the Applicant.

Mr. Yogesh Pallod, Advocate for Respondent No. 2.

Mr. M. G. Patil, APP for the Respondent – State.

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**CORAM : PRAKASH D. NAIK, J.
DATE : 12th OCTOBER, 2022.**

PER COURT:

1. This is an application preferred by the original complainant challenging the judgment of acquittal dated 06.11.2019 passed by the 3rd Joint Civil Judge Junior Judge and J.M.F.C. Vashi, Navi Mumbai. The case relates to the offence under Section 138 of the Negotiable Instruments Act.

2. Learned Advocate for the applicant/complainant submitted that the judgment of the acquittal is erroneous which is contrary to law and the evidence on record. The details about the amalgamation was provided along with documents to the trial Court. All safeguards under Section 138 of the Negotiable Instruments Act were complied.

3. Learned Advocate for the respondent/original accused submitted that the complainant has not proved liability. The cheque amount was more than the claim of the complainant. Reliance is placed on the decision in the case of **Mr. Anant Bondre V/s. Mr. Alfred David & Anr.** passed by the Goa Bench of this Court in Criminal Misc. Application No.54 of 2013 dated 04th December, 2013. Arguable questions are raised in the Appeal. This Criminal Application is disposed off.

4. Leave granted.

5. Appeal is admitted.

6. Hearing of appeal is expedited.

(PRAKASH D. NAIK, J.)