

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

CRIMINAL APPLICATION (APPA) NO.165 OF 2022

(Madhukar Natthuji Wasankar .Vs. Shaikh Sabir Shaikh Latif)

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

Court's or Judge's order

Shri P. A. Nemade, Advocate for Applicant.
Ms S. W. Deshpande, Advocate for Respondent.

CORAM : AVINASH G. GHAROTE, J.

DATE : 28th JUNE, 2022.

. Applicant seeks leave to Appeal against the judgment dated 15.02.2020 passed by the learned Judicial Magistrate First Class, Amravati, acquitting the Respondent for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 (for short, "the said Act"), on the ground that the complainant has been unable to prove the source from which, the funds were accessible to him for advancing the loan to the accused (Para 15 Page 20). The issuance of the cheque and the signature is not disputed, considering which, presumption under Section 139 of the said Act, clearly stood attracted. The accused though had raised defence of the receipt Exh-32 being forged, he has not entered the witness box, considering which, a case for leave is made out, which is accordingly granted.

2. Office to register the Appeal.

3. Issue notice on Appeal, returnable on **11.07.2022** for final disposal at the admission stage.

4. Ms Deshpande, learned Counsel for Respondent waives notice on merits.

5. Shri Nemade, learned Counsel for Applicant to place on record the entire set of exhibited documents as well as the evidence and the complaint on or before 11.07.2022

JUDGE

TAMBE.