

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

CRIMINAL APPLICATION (APPA) NO.218 OF 2020

Shri Gajanan Nagri Sahakari Patsanstha Ltd, Akola Vs. Suresh Jagdish Pathak

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

Court's or Judge's orders.

Shri S.A.Mohta, Advocate for applicant.
Shri U.J. Deshpande, Advocate for non-applicant.

CORAM : G.A. SANAP J.

DATE : AUGUST 10, 2022.

This is an appeal against the order of acquittal passed by the learned Judicial Magistrate First Class, (Court No.6), Akola dated 10.01.2020 in private complaint filed by the appellant under Section 138 of the Negotiable Instruments Act, 1881.

2. Learned Advocate for the appellant submits that leave as prayed for to appeal against the judgment and order of acquittal passed by learned Magistrate may be granted.

3. Learned Advocate for the respondent/original accused submits that there is no iota of evidence to accept the case of the appellant.

4. In order to satisfy myself about factual position I have carefully gone through the record and particularly the order passed by the learned Judicial Magistrate First Class. In my opinion considering the facts and circumstances and the

application of the relevant provisions of law, it would be just and proper to grant leave to appeal against the impugned judgment and order. Accordingly, leave to appeal is granted.

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5. Heard.
6. **ADMIT.**
7. Call for record and proceedings.
8. Issue notice to the respondents.
9. Shri Deshpande, learned Advocate waives service of notice for respondent.
10. Learned Advocate for appellant shall file private paper book within three months.
11. In view of admission of appeal, respondent shall furnish P.R. bond in the sum of Rs.5,000/- with one surety in the like amount before the learned trial Court.

JUDGE

Wagh