

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

CRIMINAL APPLICATION (APPA) NO.1 OF 2022
IN
CRIMINAL APPEAL NO. OF 2021

Naresh s/o Purushottam Chhangani

Vs.

Milan Maheshchandra Mehata

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

Court's or Judge's orders

Mr. Kartik Rao, Advocate, h/f Mr. M. G. Sarda, Advocate for applicant.
Mr. K. J. Topale, Advocate for non-applicant.

CORAM : AVINASH G. GHAROTE, J.
DATE : 14/06/2022

Heard Mr. Kartik Rao, Advocate holding for
Mr. Sarda, learned counsel for the applicant and
Mr. Topale, learned counsel for the non-applicant.

This application seeks leave to appeal
against the judgment of the Special Court dated
13.11.2021 whereby the complaint under Section 138 of
the Negotiable Instruments Act has been dismissed and
the accused has been acquitted.

Mr. Rao, learned counsel for the applicant
submits that the only ground on which the complaint has
been dismissed is the so called inability of the
complainant to explain the source of funds. In so far as
the issuance of the cheque is concerned, the defence has
been taken that the complainant had taken the cheque of
the accused on account of transaction of his wife and

therefore, the issuance of the cheque for whatever reason appears to be an admitted fact, considering which, a case for grant of leave is made out.

Criminal Application (APPA) No.1 of 2022 is accordingly allowed.

Leave is granted. Office to register the appeal.

Admit.

Call Record and Proceedings.

Mr. Topale, learned counsel waives service of notice for non-applicant on merits.

List the matter for hearing on receipt of the Record and Proceedings.

JUDGE

Sarkate