

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

**CRIMINAL APPLICATION FOR LEAVE TO FILE APPEAL
BY PRIVATE PARTY NO. 37 OF 2019**

Karegaon Bhag Sugar Cane
Transport Company Pvt. Ltd.

Applicant

Versus

Dinkar s/o Shivaji Patil

Respondent

Mr. Y. R. Shinde, advocate holding for Mr. R. R. Karpe,
advocate for the Applicant

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 08th September, 2023.

PC :

Heard learned Counsel for the applicant.

The applicant, who is original complainant in SCC No. 904 of 2005, is seeking leave to file appeal against the acquittal of present respondent from the charge under Section 138 of the Negotiable Instruments Act.

The respondent, despite service, remained absent. It appears that the learned trial Court i.e. learned J. M. F. C., Court No.2, Shrirampur, District Ahmednagar, has acquitted

the respondent-accused mainly on the ground that the complainant was not properly authorized since he did not produce original resolution on record passed by the applicant-Company. However, it appears that the learned trial Court has given negative finding about the cheque being issued in respect of legally enforceable liability only because there was no proper authorization to the person who adduced evidence on behalf of the applicant-Company. This is only technical ground and the acquittal does not appear to be on merit. As such, considering these facts, following order is passed:

- (i) Criminal Application is hereby allowed.
- (ii) The appeal be registered after removing all the office objections, if any.

(SANDIPKUMAR C. MORE)
JUDGE

adb