

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

**CRIMINAL APPLICATION FOR LEAVE TO APPEAL
BY PRIVATE PARTY NO. 85 OF 2023**

Navnath Asraji Sabale

Applicant

Versus

Ajit Vitthal Disale

Respondent

Mr. Ram B. Deshpande, advocate for the Applicant

**CORAM : SANDIPKUMAR C. MORE, J.
DATE : 01st NOVEMBER, 2023.**

P.C. :

1 The report shows that sole Respondent has refused to accept the service. As such, he is treated as served.

2 Heard learned Counsel for the applicant.
Respondent, despite service, remained absent.

3 On going through the impugned judgment, it appears that the learned trial Court has acquitted the respondent-accused mainly on the ground that the respondent rebutted the presumptions under Sections 118 and 139 of the Negotiable Instruments Act by raising probable defence.

4 However, it seems that it was the case of the respondent that on his say, the complainant had invested certain amount in Rich Deal Company of whom he was an agent. It is claimed by the respondent that for security of such investment, he had issued the cheque in dispute, which, according to him, the complainant misused. However, the judgment shows that the respondent was nowhere concerned with the said Company in respect of the aforesaid investment. Therefore, considering this aspect, the applicant has made out an arguable case.

5 Thus, the Criminal Application stands allowed. The appeal of the applicant be registered after removing office objections, if any.

6 Criminal Application stands disposed of.

SANDIPKUMAR C. MORE
JUDGE

adb