

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

60 APPLN. FOR LEAVE TO APPEAL BY PVT. PARTY NO.56 OF 2020

**GAJANAN PANJABRAO GADADE
VERSUS
MADHAV ANANDRAO NIRGUDE AND ANR**

Mr.H.V. Patil, Advocate for the applicant.
Mr.B.S. Chondhekar, Advocate for respondent No.1.

**CORAM : KISHORE C. SANT, J.
DATED : 21.03.2023**

PC :-

01. Heard. Learned Advocate for the applicant submits that this is a case wherein challenge is to an order of acquittal in a proceedings under section 138 of the Negotiable Instruments Act. He submits that the accused has not disputed the signature. He also has not rebutted the presumption under section 139 of the NI Act. The learned Court below, however, recorded that it was money lending transaction and therefore the accused was not liable to pay the amount and on that count acquitted the accused person. Considering this position, this Court finds that case is made out to grant leave to file appeal against acquittal.

02. Hence, the application is allowed. Leave to file appeal is granted.

03. The officer to register the application as appeal.

[KISHORE C. SANT, J.]