

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

**79 APPLN. FOR LEAVE TO APPEAL BY PVT. PARTY NO.187 OF
2019**

**SATYAWATI W/O. SIDRAM PUJARI
VERSUS
KAPURCHAND TUKARAM DEHADE**

Ms. Madhuri B.Jain, Advocate for the applicant

CORAM : KISHORE C. SANT, J.

DATE : 07th FEBRUARY, 2023

P. C.

1. Since last two occasions none appears for the respondent. Therefore, the matter is taken up in absence of respondent.

2. This is an application seeking leave to file an appeal against acquittal of the respondent challenging the order dated 30-09-2019 passed by the learned JMFC, Purna, Dist. Parbhani In SCC No. 140/2010 thereby acquitted the respondent of the offence under Section 138 of the N. I. Act.

3. Learned advocate for the applicant submits that though the court has discussed presumption under Section 118 and 139 of the N. I. Act the respondent is acquitted. The court

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has accepted that version of the accused that as per the complainant and accused were produced. However, the complainant in her evidence could not give sufficient details about the relatives and family members of the accused and i.e. considered the ground for acquittal.

4. In view of the above, this court thinks that the case is made out to grant leave to file an appeal. Hence leave is granted as prayed for. The application seeking leave to file an appeal stands allowed.

5. Office to register the memo as appeal.

[KISHORE C. SANT, J.]

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