

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT NAGPUR, NAGPUR.

...
CRIMINAL APPLICATION (APPA) NO. 254/2021
IN
CRIMINAL APPEAL NO...../2021

Milan Himmatlal Popat

.. Applicant

versus

Krishna Shamkant Mantri

.. Respondent

.....
Ms.Aastha Sharma, Advocate for the applicant

Mr.Yash P. Bhelande, Adv.for Respondent
.....

CORAM: ANIL L. PANSARE, J.

DATED : 8th March, 2023.

PC:

Heard.

2. By this Application, the applicant is seeking leave to file appeal against the judgment and order dated 20.02.2021 passed by learned Judicial Magistrate, First Class, Court No.3 Amravati in Summary Criminal Case No.1572/2018 whereby the learned Magistrate was pleased to acquit the respondent/accused.

3. It appears that the learned Magistrate was of the view that the applicant/original complainant failed to prove the legal debt. However issuance of cheque is not disputed. The defence is that the cheque was issued in respect of earlier transaction. It is not disputed that the cheque in question has been issued by the Respondent. The applicant has thus at least made out a case for leave to file appeal. The application is accordingly allowed. The leave as sought, is granted. The Appeal be registered.

APPEAL:

The case of the appellant is that he has withdrawn cash worth Rs. 1 lakh from his bank account in the month of November 2017 and the same has been given to the respondent as hand-loan and that to repay the loan, the respondent has issued the cheque in question, which the learned trial Court found to be not proved. This being the only point involved in the appeal, list the Appeal for final hearing at the admission stage, on 24.03.2023.

[ANIL L. PANSARE, J.]

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