

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

CRIMINAL APPLICATION (APPA) NO.363 OF 2023 IN
CRIMINAL APPEAL STAMP NO.2515 OF 2023

Ramesh s/o Ramaji Dahiwalale Vs. Jiwan Nagoraoji Patil

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri C.F. Bhagwani, Advocate for applicant.

CORAM : URMILA JOSHI-PHALKE, J.
DATE : JUNE 21, 2023.

The present appeal is against the acquittal. As per contention of the applicant, the non-applicant alongwith other partners got executed sale-deed of the agricultural field property situated at Mouza Pardi (Pathar). On the very same day the cheque towards consideration amount was issued but the said cheque was not honored and returned back with endorsement 'payment stopped'. Therefore, the present applicant issued notice. After receipt of the notice also, the non-applicant has not paid the amount. Therefore, the applicant has filed a complaint under Section 138 of the Negotiable Instruments Act. The trial was conducted before the learned Judicial Magistrate First Class. Though applicant has proved that the non-applicant has issued cheque, but this fact has not considered by the trial Court. Thus, there are several arguable points for the applicant and applicant has hope in succeeding the matter.

2. Heard learned counsel for the applicant, perused the judgment and it appears that considering the evidence on

record there are arguable points available to the applicant. In view of that, leave to file appeal is granted. Registry to register the criminal appeal.

3. The application is disposed of.

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4. Heard.

5. **Admit.**

6. Issue notice to the respondent, returnable after three weeks.

7. Call for record and proceedings.

8. Appellant to file private paper book.

JUDGE

Wagh