

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APPA) NO. 376 OF 2023
IN
CRIMINAL APPEAL (ST.) NO. 2626 OF 2023

Kavita W/o Maroti Tayade

..VS..

Omkar S/o Tukaram Savant

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

Court's or Judge's orders

Ms. Aastha Sharma, Advocate for applicant.

Ms. A.M. Telange, Advocate for non-applicant.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : JUNE 19, 2023

Present Application is filed for grant of leave to file Appeal under Section 387(4) of the Code of Criminal Procedure, 1973.

2. As per the contention of the applicant/appellant that she constrained to approach this Court since she is aggrieved by the Judgment and order dated 21.01.2023 passed by the Hon'ble Chief Judicial Magistrate, Washim in Summary Criminal Case No.545/2017 thereby acquitting the respondent/accused for the offence punishable under Section 138 of the Negotiable Instruments Act.

3. Learned Counsel Ms. Aastha Sharma submitted that in the present Appeal, the appellant has arguable points that the cheque issued in favour of the present appellant was signed by the respondent hence, there is a

presumption. The said presumption is not taken into consideration by the learned Magistrate. Thus, there is sufficient material in favour of the present appellant, on the basis of which she can argue and she is having every chance to success in the present Appeal.

4. Considering the submissions made by the learned counsel for the applicant/appellant, leave is granted .

5. The Criminal Application No. 376 of 2023 is disposed of.

(URMILA JOSHI-PHALKE, J.)

Kirtak