



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

APPLN. FOR LEAVE TO APPEAL BY PVT. PARTY NO. 113 OF 2023

Rahul Ashok Sali
VERSUS
Savita Ramakant Gangurde

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Mr. Anudeep D. Sonar, Advocate for Applicant
Mr. S.A. Raut, Advocate h/f Mr. N.L. Chaudhari, Advocate for
Respondent

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 22nd AUGUST, 2024

ORDER :

1. This application is filed seeking leave to file appeal against judgment and order dated 25.07.2023 passed by the learned Judicial Magistrate, First Class (Court No.2), Dhule in S.T.C.C.. No.358 of 2019.
2. Heard learned advocate for applicant and learned advocate for respondent. Perused the impugned judgment and order and documents placed on record.
3. Complaint filed by the applicant under section 138 of the Negotiable Instruments Act is dismissed on the sole ground that incorrect name of the drawer/accused is mentioned in the demand notice issued by applicant/complainant. Fact remains that demand notice was

issued on the correct address and respondent/accused has accepted the summons in the incorrect name on the same address. During the course of trial, by way of amendment, name of the respondent/accused was corrected. Therefore, this is a fit case to grant leave to file appeal. Hence, the application is allowed in terms of prayer clause 'C'.

4. Leave is granted to file appeal against judgment and order of acquittal dated 25.07.2023 passed by the learned Judicial Magistrate, First Class (Court No.2), Dhule in S.T.C.C. No.358 of 2019.

5. Registry to register the appeal.

6. Appeal stands admitted.

7. Learned advocate for respondent waive service of notice.

8. Call for Record and Proceedings.

[NITIN B. SURYAWANSHI]
JUDGE