

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL REVISION APPLICATION NO. 256 OF 2021

M/s. Unilab Chemicals &
Pharmaceuticals Pvt. Ltd.

...Applicant

vs.

M/s. Chemico and Ors.

...Respondents

Mr.Gandhar Raikar a/w Mr.Iyanah Parbhoo:-	Advocate for Applicant.
Mr.H.J.Dedhia:-	APP for Respondent No.3-State.

CORAM : S. M. MODAK, J.

DATE : 12th JUNE 2024

P. C. :-

1. Heard learned Advocate for the Applicant / Complainant. On their complaint, the Respondent was convicted by the Court of Metropolitan Magistrate as per the judgment dated 1st March 2014 for the offence under Section 138 of the Negotiable Instruments Act, 1881 (“NI Act”). However, the Court of Additional Sessions Judge – Greater Mumbai as per the judgment dated 29th June 2021 was pleased to set

aside the conviction and that is why, the original Complainant has filed this Revision Application.

2. The only prayer made in the Revision is to remand the matter for fresh hearing. It is for the reason that the Complainant who is the Respondent before the Appellate Court was not granted an opportunity to argue the matter. All roznamas are pointed out to me, so also, the orders issued by this Court on administrative side in view of the COVID were also brought to my notice. Even the Applicant / Complainant made an attempt to argue the matter before the Sessions Court, however, it was rejected. The said order is dated 22nd June 2021. (Page No.186) whereas the impugned judgment is pronounced on 29th June 2021.

3. Notice was issued to the Respondent / Complainant. However, it could not be served. That is why, liberty was granted to serve him as per the publication. Notice was also to be pasted through local Police. The report is awaited. Let Applicant to verify. Affidavit of service to be filed in the Office.

4. The Revision will be maintainable only when an Appeal is not provided. As per Section 378 of the Code, the appeal against the

acquittal is maintainable against the order of acquittal by the Appellate Court also. Liberty is sought to convert this Revision. It is contended that the Revision is filed because the only limited relief of remand is sought.

5. Be that it may. Revision is maintainable only when the Appeal is not provided. It is provided in this case. Liberty is sought to convert the Revision into Appeal. Liberty granted.

6. Let the necessary amendment be carried out within one (1) week.

7. Stand over to **24th July 2024.**

[S. M. MODAK, J.]