



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

CRIMINAL APPLICATION NO.196 OF 2023

IN

CRIMINAL APPEAL (ST.) NO.5346 OF 2022

(Atul Nathani (HUF) Vs. M/s. Shreekrishna Ginning and Pressing and anr.)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. C.F. Bhagwani, Advocate for the applicant.
Mr. V.K. Kolte, Advocate for the respondents.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- AUGUST 21, 2024.

By preferring the appeal against acquittal passed by the 19th Joint Civil Judge, Senior Division & ACJM (Special Court-138 N.I. Act), Nagpur in S.C.C. No.11122/2018, present appeal is preferred along with the application for leave to file an appeal.

2. Learned Counsel for the appellant has pointed out that he has many arguable points in the present appeal. He has also pointed out that the learned trial Court has not considered that the cheque was issued against the legal and enforceable debt. Thus, the appellant has every chance of success in the present appeal. In view of that, leave be granted.

3. Learned Counsel for the respondents submitted that as far as the partnership firm is concerned which was dissolved long back and thereafter the alleged cheque is issued. Learned trial Court has rightly considered the same and rightly acquitted the accused. There is no ground to grant leave.

4. I have heard learned Counsel for both the parties. Perused the impugned judgment from which the learned Counsel for the appellant has pointed out that he has many arguable points in the present appeal. In view of that, leave is granted.

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Appeal be registered.

2. Issue notice to the respondents, returnable on 05/09/2024.

3. Learned Counsel Mr. Kolte waives notice for the respondents.

4. R. & P. is already received.

5. The appeal can be disposed of at the admission stage.

6. Place the matter for final disposal at the admission stage.

(URMILA JOSHI-PHALKE, J.)