



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

CRIMINAL APPLICATION (APPA) NO. 816 OF 2023
IN
CRIMINAL APPEAL STAMP NO.5092 OF 2023

Shankarlal Khiyaram Kingrani (Raja Kingrani)

Vs.

Shri Shadani Builders and Developers, through its Proprietor Jeetu @
Jitendra Suresh Keshwani

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

Court's or Judge's orders

Mr. S. D. Dewani, Counsel for the applicant.
Mr. APP for non-applicant /State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 09/12/2024

1. By this application, the applicant is seeking leave to file an appeal against acquittal.
2. Though respondent is served, none appears for the respondent.
3. Heard learned Counsel for the applicant who invited my attention towards the para 13 of the impugned judgment and submitted that the acquittal of the accused is only on the basis that the defence taken by the accused that the complainant was doing illegal money lending business. He submitted that in fact, the Money Lending Act is not applicable in the present case. On the contrary, the evidence on record sufficiently shows that the cheque was issued against the legal and enforceable liability, but the

trial Court has not considered the same. He has many arguable points to the present appeal. In view of that leave be granted.

3. I have also perused the impugned Judgment it reveals that the entire issue revolves around the money lending and it is to be ascertained whether the cheque was issued against the legally enforceable debt or against the money lending business. Considering the same, the application deserves to be allowed.

4. Leave is granted to the applicant to prefer an appeal against acquittal.

5. Appeal be registered.

6. The application is disposed of.

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1. On registration of the appeal, notice of the appeal be issued to the respondent, returnable after four weeks.

2. In the meantime, record and proceedings be called.

3. Stand over after four weeks.

(URMILA JOSHI-PHALKE, J.)