



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

CRIMINAL APPLICATION NO.1060 OF 2023

IN

CRIMINAL APPEAL (ST.) NO.6875 OF 2023

(Smt. Narmada Bhagwan Dhakde Vs. Sau. Adhvita Naresh Ghormade)

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

Court's or Judge's Order

Mr. O.Y. Kashid, Advocate for the applicant.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- APRIL 15, 2024.

Heard.

2. By this application, the appellant is seeking leave to prefer an appeal against the judgment and order of acquittal passed in S.C.C. No.2688/2017 dated 15/07/2023.

3. Learned Counsel for the appellant submitted that though the complainant has proved the facts that the cheque was issued in discharge of legal and enforceable debt and it is supported by the documentary evidence. The learned trial Court has not considered the same and acquitted the accused. Thus, appellant has arguable points in the present appeal. The learned trial Court has not considered that there was a transaction in the nature of legal and enforceable debt and the cheque was issued in discharge of the said liability which was dishonoured. The notice was issued calling upon the accused to pay the amount which was not paid. The learned trial Court

observed that one document is filed by the complainant but learned trial Court has ignored the said document merely shows that amount was paid to the accused. Thus, it seems that the trial Court has not considered the evidence in proper perspective and erroneously acquitted the appellant. He submitted that considering the arguable points which are submitted by him, leave be granted to him to prefer an appeal.

4. Though notice is served upon the respondent, respondent fails to appear. Perused the impugned judgment and the points argued by the learned Counsel for the appellant.

5. Thus, the appellant has made out a case to grant leave to prefer an appeal, the application deserves to be allowed.

6. Hence, the application is allowed.

7. Leave is granted to the appellant to prefer an appeal.

8. The application is disposed of accordingly.

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Heard.

2. Call for R. & P.

3. Place the matter before the Court after Summer Vacation, 2024.

(URMILA JOSHI-PHALKE, J.)