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

**APPLICATION FOR LEAVE TO APPEAL (PVT.)
NO. 147 OF 2025**

Satyen Polymers Pvt. Ltd.

...Applicant

Versus

State of Maharashtra & Anr.

...Respondents

Mr. Amit Ghag *a/w. Ms. Nisha Shah and Mr. Amar Parab i/b. Kalpesh Joshi Associates for the Applicant.*

Mr. Kshitij Madekar *with Rajesh Devgharkar i/b. Vivaka Partners for the Respondent No.2.*

Mr. Vinit A. Kulkarni, *APP for the Respondent / State.*

**CORAM : SANDEEP V. MARNE, J.
DATE : 8 DECEMBER 2025.**

P.C.:

1) By this Application, the Applicant seeks leave to Appeal against acquittal Order dated 20 March 2023, passed by the Court of Sessions in Criminal Revision No.181 of 2018.

2) The Appeal was preferred challenging conviction Order dated 9 November 2017, passed by the learned Magistrate convicting the Respondent of offence under Section 138 of the Negotiable Instruments Act, 1881.

3) I have heard Mr. Amit Ghag, the learned Counsel appearing for Applicant, Mr. Kshitij Madekar, the learned Counsel appearing for Respondent No.2 and Mr. Vinit A. Kulkarni, the learned Counsel appearing for the State. I have gone through the findings recorded by the Sessions Court in the Order of acquittal.

4) It appears that there was a transaction of supply of goods between the parties. A cheque of Rs.15,90,000/- was issued allegedly towards discharge of liability arising out of supply of goods. However, it is an admitted position that an amount of Rs.5,00,000/- was paid by the Respondent to the Applicant and thus, there was no underlying obligation on the part of Respondent to pay the whole of the amount of Rs.15,90,000/-, for which he cheque was issued. The Apex Court in its Judgment of ***Dashrathbhai Trikambhai Patel Vs. Hitesh Mahendrabhai Patel & Anr.***¹ has held that upon payment of part of debt prior to presentation of cheque for encashment, offence under Section 138 of Negotiable Instruments Act, 1881 for dishonour of that cheque is not made out. The Sessions Court has rightly relied upon ratio of the Judgment of ***Dashrathbhai Trikambhai Patel*** (supra). Even otherwise, there was a clear dispute between the parties relating to quality of goods supplied and therefore, it cannot be contended that the underlying liability in respect of entire amount of Rs.15,90,000/- is proved in the present case. Findings recorded by the the Sessions Court do not

¹ (2023) 1 SCC 578

suffer from the vice of perversity.

5) In view of the above, grant of leave to appeal against acquittal Order would be an exercise of futility.

6) I am, therefore, not inclined to grant leave for filing appeal against the order of acquittal.

7) The leave application is accordingly **rejected**.

(SANDEEP V. MARNE, J.)