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

**APPLICATION FOR LEAVE TO APPEAL (PVT.)
NO. 35 OF 2025**

The Revdanda Co-operative Urban Bank **...Applicant**
Ltd. Through Girish Dattatrey Chitnis

Versus

Vijay Dharmaji Baikar & Anr. **...Respondents**

Mr. Gaurav Parkar *for the Applicant.*

CORAM : SANDEEP V. MARNE, J.
DATE : 10 DECEMBER 2025.

P.C.:

1) This is an Application filed seeking leave to Appeal against acquittal Order 5 August 2024, passed by the learned Magistrate acquitting the Respondent punishable under Section 138 of the Negotiable Instruments Act, 1881.

2) Perusal of the impugned acquittal Order would indicate that one of the reasons recorded by the learned Magistrate for acquitting the accused is alleged failure to file account statement by the Applicant Bank to prove that amount of Rs.19,52,000/- was outstanding from the accused as on the date of issuance of the cheque.

3) Mr. Parkar, the learned Counsel appearing for the

Applicant draw my attention to the account statement earlier marked as Exhibit-14. Therefore, it prima-facie appears that the findings on the basis of which the Order of acquittal is passed is perverse.

4) None has appeared on behalf of the Respondent despite being served with Court notice.

5) Accordingly, leave to file Appeal is granted. **Appeal is admitted.**

6) Registry to follow process under Section 390 of the Code of Criminal Procedure, 1973, consequent to admission of appeal.

(SANDEEP V. MARNE, J.)