



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

CRIMINAL APPLICATION NO.844 OF 2024

IN

CRIMINAL APPEAL (ST.) NO.6304 OF 2024

(Mr. Akshat s/o Pawan Ruia (HUF) Vs. Shakambhari Jewelers 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. PS. Kadam, Advocate for the appellant.
Mr. N.M. Mishra, Advocate for the respondents.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- APRIL 15, 2025.

Heard.

2. By this application, the appellant is seeking leave to file appeal.

3. Learned Counsel for the appellant invited my attention towards the impugned judgment and submitted that as per the case of the complainant, hand loan amount was given to the accused. The accused admitted that he received the amount of Rs.5,00,000/- from the complainant and there was a legal and enforceable debt and cheque was issued in discharge of that legal and enforceable debt.

4. The accused has admitted the transaction but the learned trial Court has not considered the same and by relying upon a stray admission, the accused is acquitted.

5. The appellant has many arguable points in the present appeal. In view of that, leave be granted.

6. Learned Counsel for respondent No.1 strongly opposed for the same and submitted that during cross-examination, several admissions are given by the complainant and on that basis and on appreciating the evidence, the learned trial Court has acquitted the appellant, therefore, no case is made out for grant of leave. Hence, the application deserves to be rejected.

7. On hearing both the sides and on perusal of the impugned judgment as well as the evidence on record the appellant has shown that he has many arguable points in the present appeal. In view of that, the application deserves to be allowed.

8. The application for leave to file appeal is allowed. Leave is granted to the appellant.

9. The appeal be registered.

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10. On registration of the appeal, learned Counsel for the respondents waive notice.

11. Call for R. & P

12. The appeal be listed for the final disposal after receipt of R. & P

(URMILA JOSHI-PHALKE, J.)