IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.679 OF 2004

Nanda Mohan Shah … Appellant
Vs.
Kirit Ratilal Shah & Anr. … Respondents

Mr. Prathamesh Naik h/f Kocharekar for the Appellant.
Mr. Vivek Rane for Respondent No.1.
Ms. Rutuja Ambekar, APP for Respondent No.2-State.

CORAM : N.R. BORKAR, J.
DATE : 18TH AUGUST 2026

MUGDHA MANOJ PARANJAPE
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Date: 2026.08.27 18:26:03 +0530

P.C. :

1. This Appeal takes exception to the judgment and order dated 04th March 2003 passed by the Additional Sessions Judge, Raigad-Alibag in Criminal Appeal No.26 of 2002.

2. By the impugned judgment and order, the Learned Additional Sessions Judge has allowed the appeal filed by Respondent No.1 against the judgment and order of the trial court, by which Respondent No.1 was convicted for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881.

3. I have heard Learned Counsel for the Appellant and Learned Counsel for Respondent No.1 and perused the impugned judgment and order.

4. The learned appellate court to acquit the Respondent No.1 has recorded the finding that complainant has failed to prove that there was any monetary liability on accused to repay the money to him and that he had done so by issuing the cheque in question. The appellate court has thus, held that, the complainant has failed to prove that cheque in question was issued towards discharge of legally enforceable liability.

5. The above finding is not shown to be perverse. In that view of the matter, no interference is called for in the impugned judgment and order. The Criminal Appeal is thus dismissed.

(N.R. BORKAR, J.)