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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 4813 OF 2010
IN
APPEAL NO. OF 2010

M/s Vashney Builders (Bom.) Pvt. Ltd. .. Applicant
V/s
Ram Bhadur Singh & Anr. .. Respondents

Mr. H.E. Palwe for the applicant.
Mr. Y.S. Shinde, A.P.P. for the State.

CORAM : N.D. DESHPANDE, J.
DATE : 29TH OCTOBER 2010

P.C. :

1. This is a criminal appeal against the accused earlier tried under sections 138 of the Negotiable Instruments Act and got acquitted by the judgment and order dated 3rd August 2010 passed by the learned 5th Joint Civil Judge, Junior Division, & J.M.F.C., Thane.
2. Heard the learned counsel for the appellant. Perused the impugned judgment and order.
3. A point has been raised about the burden of proof relating

to legal liability and appreciation of evidence as improper. It is an issue whether the complaint satisfies all ingredients of section 138 of the Negotiable Instruments Act. It is not disputed that the accused-respondent issued a cheque and there was some liability arising out of sale and purchase of a gala between the parties and the said cheque bounced. Learned counsel for the applicant also points out that there was no reply to the legal notice of the complainant asking for return of the amount on account of dishonour of the cheque. Hence, leave to appeal is granted. Appeal be numbered. Appeal is admitted. Issue notice under section 390 of the Cr. P.C. as prayed, returnable after 10 weeks.

(N.D. DESHPANDE, J.)