

FARAD CONTINUATION SHEET NO.**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO.326 OF 2012**

Office Memoranda appearances, or directions orders.	Notes, of Court's and Registrar's	Office Coram, Orders Registrar's	Court's or Judge's Orders
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Mr.Ajay A.Joshi for Applicant
Ms.Tai Chavan i/b Mr.Vishwanath Talkute
for Respt no.1
Mr.V.B.Konde Deshmukh APP for State

CORAM : A. H. JOSHI, J.

DATED : 30TH SEPTEMBER, 2013

1. Heard.

2. The complainant had based their claim on the facts which are describable as "claim based on transaction of sale recorded in open and current account maintained and acted upon by the parties".

3. The defence of accused which was disclosed during pendency of proceedings is disclosed in Exhibit 12 the reply to notice under section 138 of the Act.

4. Therefore, it was obligatory on the part of complainant to prove the

transactions and actual liability. Discharge of burden, as indicated was not done by the complainant.

5. Learned Magistrate has examined the case and ordered acquittal by giving a reasoned order and by recording reasons which are correct on facts as well in law.

6. Therefore, no interference is called for.

7. Application is dismissed.

(A. H. JOSHI, J.)