

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE ANIL VERMA

ON THE 21st OF MARCH, 2023

MISC. CRIMINAL CASE No. 27395 of 2019

BETWEEN:-

SMT. PREMA SHARMA W/O GOPAL SHARMA 50,
UJJAIN / 23/4, AWANTIPURA WAMNESHWAR
MAHADEV KI GALI, ANKPAT MARG, UJJAIN
(MADHYA PRADESH)

.....APPLICANT

(SENIOR ADVOCATE SHRI A.S. GARG
ALONG WITH VIJESH KUMAR DUBEY - ADVOCATE)

AND

SHRI KAILASH SHARMA S/O SHRI MOOLCHAND
SHARMA, AGED ABOUT 45 YEARS, 47, ANKPAT
MARG, NEAR DR. KAPOOR, UJJAIN (MADHYA
PRADESH)

.....RESPONDENTS

(ABSENT)

*This application coming on for admission this day, the court passed
the following:*

ORDER

This is an application for grant of leave to appeal under Section
378(4) of the Cr.P.C.

As per the prosecution, the applicant filed a complaint under
section 138 of N.I. Act alleging that the cheque given by the respondent
was returned dishonored due to inefficiency of funds in account of the
respondent.

Counsel for the applicant submits that the trial Court has failed to appreciate the evidence of complainant Prerna Sharma (PW-1) as well as other documentary evidence and prays for grant of leave to appeal against the order of acquittal of the respondent.

After hearing learned counsel for the applicant and perusing the record, the application for grant of leave to appeal is allowed. Office is directed to register the same as Criminal Appeal.

After registration as Criminal Appeal, issue bailable warrant against the respondent for a sum of Rs.5,000/- to a date to be fixed by the Registry.

With the aforesaid, the application is allowed and disposed off.

CC as per rules

(ANIL VERMA)
JUDGE

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