

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**

**R/CRIMINAL MISC.APPLICATION (FOR LEAVE TO APPEAL) NO. 5719 of  
2024**

**In R/CRIMINAL APPEAL NO. 1295 of 2024**

**With  
R/CRIMINAL APPEAL NO. 1295 of 2024**

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JAGDISHBHAI BHIKHABHAI PATEL  
Versus  
STATE OF GUJARAT & ANR.

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Appearance:

MR V B SHUKLA(8955) for the Applicant(s) No. 1

for the Respondent(s) No. 2

MR.JAY MEHTA ADDL. PUBLIC PROSECUTOR for the Respondent(s) No. 1

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**CORAM:HONOURABLE MRS. JUSTICE M. K. THAKKER**

**Date : 20/06/2024**

**ORAL ORDER**

1. Learned advocate Mr.V.B.Shukla submits that learned trial court has acquitted the respondent-accused on the ground that complainant fails to establish that the accused has issued cheque of Rs.30,00,000/- for discharging legally enforceable debt.

1.1. Learned advocate Mr.Shukla submits that it was the case of the respondent-accused that the cheque which was dishnoured was taken from one Vibhakarbhay B.Patel. Learned advocate Mr.Shukla submits that

though the said defence is of the complainant, the learned trial court has observed in paragraph 34 that it is admitted by the complainant in his argument that cheque was lying with Vibhakarbai. Learned advocate Mr.Shukla submits that in the cross case, wherein the acquittal was ordered in the complaint filed by the respondent-accused, this Court has passed an order allowing the application for seeking leave to prefer an appeal.

2. In view of the above submissions, this Court deems it fit to allow this application for seeking leave to prefer an appeal.
3. Hence this application for seeking leave to prefer an appeal is allowed. Leave to prefer an appeal is granted.

**ORDER IN R/CRIMINAL APPEAL NO. 1295 of 2024**

1. The appeal is admitted, to be heard with Criminal Appeal No.1379 of 2021. Learned APP Mr.Jay Mehta waives service of notice of admission on behalf of respondent-State.
2. Issue Bailable Warrant in the sum of Rs.5,000/- (Rupees Five Thousand Only) against the respondent-original

accused.

3. Record and Proceedings shall be called for. Matter be listed in seriatim.

NIVYA A. NAIR

**(M. K. THAKKER,J)**