

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISC. APPLICATION NO. 30 OF 2014

IN

STAMP NUMBER MAIN NO. 2620 OF 2013

VPK URBAN COOPERATIVE SOCIETY LTD.
REP. BY ITS LEGAL OFFICER MISS
RATNA S. AMONKAR

... Applicant

Versus

SHRI SAMEER SHYAMSUNDAR NAIK AND
ANR.,

... Respondents

Mr. D.Pangam, Advocate for the Applicant.
Mr. Anthony D'Silva, Advocate for Respondent no.1.
Ms. M. Pinto, A.P.P. for Respondent no.2.

Coram:- A. R. JOSHI, J.

Date:- 16th July, 2014

P.C.:

Heard learned counsel for the applicant on this application for leave to file appeal challenging the acquittal of respondent no.1 in the matter of offence publishable under section 138 of the N.I. Act.

2. It appears that the J.M.F.C., Ponda was influenced by the plea taken by respondent no.1/accused that the concerned cheque was given as a security and that there were certain discrepancies in the accounts maintained by the present applicant/original complainant bank. In the opinion of this Court there is a triable issue in the matter which is to be dealt with before this Court at length. In the present matter respondent no.1 is already served and on earlier date he was

represented by learned counsel Mr. Anthony D'Silva. However, nobody appeared for him today. As such after hearing the learned counsel for the applicant leave to file the present proceeding is granted.

3. Admit.

4. Learned Addl. Public Prosecutor waives service for respondent no.2/State.

5.. Process under section 390 of Cr.P.C./Respondent no.1 shall be released on bail in the sum of Rs.500/- with the same surety or fresh surety before the Trial Court.

A. R. JOSHI, J.

ap/-