

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISC. APPLICATION NO. 195 OF 2013

IN

STAMP NUMBER MAIN NO. 2643 OF 2013

THE PIRNA URBAN CO-OP. CREDIT
SOCIETY LTD. THROUGH ITS RECOVERY
MANAGER SHRI. BALKRISHNA NAVSO
RAUL

... Applicant

Versus

SHRI. RAJ S. MITRA AND ANR.,

... Respondents

Mr. R. G. Ramani, Advocate for the Applicant.

Mr. Vivek Angelo Rodrigues, Advocate for Respondent no. 1.

Coram:- A. R. JOSHI, J.

Date:- 14th July, 2014

P.C.:

Heard learned counsel for the rival parties on this application for leave to appeal against acquittal in the matter of offence punishable under section 138 of the Negotiable Instruments Act.

2. After hearing the rival submissions this Court has ascertained that there is an issue which is required to be dealt with in the appeal where the trial Court had acquitted the respondent on two counts. Firstly that the presumption envisaged under sections 118 and 139 of the N.I. Act is overcome by the respondent/accused and secondly that PW.1 who gave evidence before the Court had no authority on behalf of the complainant. As mentioned earlier, this appeal is required to be

heard and hence leave to appeal is granted. The main appeal be numbered and be taken up in due course.

3. Appeal is admitted. Action under section 390 of Cr.P.C to follow. The respondent shall be released on bail in the sum of Rs.500/- before the Trial Court.

A. R. JOSHI, J.

ap/-