

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL REVISION APPLICATION NO. 75 OF 2015

MR.REMEDIIOUS D'SILVA.

... Petitioner

Versus

STATE, THROUGH PP, HIGH COURT OF
BOMBAY AT PANAJI AND ANR.,

... Respondents

Mr. S. Shet, Advocate for the petitioner.

Ms. M. Pinto, Addl. Public Prosecutor for the respondents.

Coram:- K. L. WADANE, J.

Date:- 16th October, 2015

P.C.

Heard Mr. S. Shet, learned counsel appearing for the petitioner and Ms. M. Pinto, learned Addl. Public Prosecutor appearing for the respondents.

2. This is Criminal Revision Application filed by the accused/applicant against the order passed by the learned Additional Sessions Judge, South Goa, Margao, dated 10.08.2015 by which the appeal of the present revision applicant is dismissed as the applicant has failed to execute personal bond of Rs.10,000/- with surety in like amount. The applicant has not executed the bail bond as he was absent on the given date. Therefore, the Criminal Appeal was dismissed for default by the learned Additional Sessions Judge on 10.08.2015. In view of the observations of the Hon'ble Apex Court in the case of Bani Singh and others V/s State of U. P. reported in

1996 STPL (LE) 21077 SC, particularly in paras 14, 15, 16 and 17, the First Appellate Court was expected to adjudicate the appeal instead of dismissing the appeal for default which is incorrect. Hence, the Revision Application is allowed. The order dated 10.08.2015 is hereby set aside. The appeal is restored to its original number and stage. The applicant is directed to appear before the learned Addl. Sessions Judge, South Goa, Margao, on 21.10.2015 at 10.00 a.m.

3. The Revision Application stands disposed of accordingly.

K. L. WADANE, J.

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