

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISC. APPLICATION NO. 95 OF 2016

IN

STAMP NUMBER MAIN NO. 1633 OF 2016

THE BHATAGRAM URBAN CO-OPERATIVE
CREDIT, SOCIETY LTD., REP. BY ITS
C.E.O. SHRI SANJAY G. PARMEKAR.

... Applicant

Versus

SHRI. VISHNU DEU GAONKAR AND ANR.

... Respondent

Adv. Deepak Gaonkar for the Applicant.
Adv. Rajneesh Naik For Respondent No.1

Coram:- C. V. BHADANG, J.

Date:- 21st July, 2016

P.C.:

Heard the learned counsel for the applicant and the learned counsel for the respondents.

2. The only ground on which the learned Magistrate has acquitted the respondent as recorded in para 30 of the impugned judgment is that the subject cheque was towards the recovery of a loan which was time barred. The learned counsel for the applicant has pointed out to the provisions of section 85 of the Goa Co-operative Societies Act, 2001 in order to submit that in respect of a loan granted by a credit cooperative society governed by the provisions of the said Act, the limitation period would start from the death of the member and this aspect has not been considered by the Magistrate, I find that a case

for grant of leave is made out. Hence the criminal misc. application is allowed. The office shall register the appeal and the same shall be treated as admitted. The learned Magistrate to take action under section 390 of Cr.P.C.

C. V. BHADANG, J.

ap/-