

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL MISC. APPLICATION NO. 259 OF 2015
IN
STAMP NUMBER (APPLN.) NO. 3199 OF 2015

MR.ANTONIO JOSE JOAQUIM DE SOUZA. ... Applicant
Versus
MRS.RITA D'SOUZA AND ANR., ... Respondents

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

Mr. N. Teles, Advocate for the respondent no.1.

Ms. M. Pinto, Additional Public Prosecutor for the respondent no.2.

Coram:- S. B. SHUKRE, J.

Date:- 26th February, 2016

P.C.

Heard learned Counsel for the applicant, learned Counsel for the respondent no.1 and learned Additional Public Prosecutor for the respondent no.2.

2. Affidavit produced before the Court sworn in by learned Counsel for the applicant before the First Appellate Court is taken on record. It's copy is already furnished to learned Counsel for respondent no.1.

3. The affidavit of learned Counsel for the applicant sworn in before the First Appellate Court supports the contentions of the applicant. It discloses that initially, the applicant was advised to file

the Revision Application, the limitation period for which is of 90 days. Later on, after verification of legal position, it was found that in the instant case, not a Criminal Revision under Section 397 of Cr.P.C., the limitation period for which is of 90 days, but, an appeal against acquittal under Section 378 of Cr.P.C. would lie.

4. Learned Counsel for the respondent no.1 does not dispute the statements contained in the affidavit.

5. Learned Additional Public Prosecutor for the respondent no.2 submits that an appropriate order be passed.

6. In view of the above, I find that sufficient cause has been shown by the applicant to enable this Court to exercise its discretion in favour of the applicant.

7. In the result, the application is allowed. Delay is condoned. Criminal Miscellaneous Application seeking leave to appeal be registered.

8. Application stands disposed of.

S. B. SHUKRE, J.

SMA