

IN THE HIGH COURT OF BOMBAY AT GOA

Criminal Misc. Application No.125/2016

in
Stamp Number Main No.2040/2016

Mr. Lyndon Rodrigues
 son of Shri Leonard Rodrigues.

Appellant

Versus

Anil Thakur and others.

Respondents

Shri Jatin Ramaiya, Advocate for applicant/appellant.
 Shri Vibhav Amonkar, Advocate for respondent no.1.
 None for other respondent no.2.

CORAM : PRITHVIRAJ K.CHAVAN, J.
 ORDER RESERVEDE ON : 5/7/2017
 ORDER PRONOUNCED ON :10/07/2017.

ORDER:

1. This is an application under Section 378(4) of the Code of Criminal Procedure, seeking Special Leave to Appeal, against the impugned judgment of \ acquittal dated 27th April, 2016 passed by the learned Judicial Magistrate First Class at Vasco Da Gama, in Criminal Case No.15/0A/NIA/2011/B.

2. It is submitted on behalf of the applicant-appellant that the impugned judgment and order resulted in failure of justice. On the other hand, the learned counsel for respondent no.1 supported the

impugned judgment of the acquittal by drawing my attention to the cross-examination of the complainant and the findings arrived at by the learned trial Court in the impugned judgment.

3. I have heard the learned counsel appearing for the respective parties and also perused the impugned judgment.

4. At the outset, it appears that the evidence needs to be re-appreciated for the reason that it is the case of respondent no.1 that the cheques were issued by him as the complainant forced him to issue cheques and, therefore, he had issued blank cheques. It has also come on record, as evident from the impugned judgment, that the accused had already paid a sum of Rs. Ten lakhs in favour of the complainant, which according to the complainant, was in respect of some another transaction of which there is no evidence.

5. In the peculiar circumstances, I feel that this is a fit case in which Special Leave to Appeal needs to be granted. Accordingly, leave to appeal is granted.

6. The office is directed to register as Criminal Appeal.

7. Application stands disposed of accordingly.

PRITHVIRAJ K.CHAVAN, J.

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