

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL REVISION APPLICATION NO. 9 OF 2018

JAWAHAR L. DIAS., ... Petitioner

Versus

SALVADOR FERNANDES., ... Respondent

Petitioner Adv. J. Dias, Advocate in Person.

Coram:- C. V. BHADANG, J.

Date:- 24th January 2018

P.C.:

Heard the petitioner in person. The petitioner is challenging the judgment and order dated 29/11/2017 passed by the learned J.M.F.C at Margao, whereby, the petitioner has been convicted for the offence punishable under section 138 of the Negotiable Instruments Act 1881. The petitioner, who appears in person submits that the learned Magistrate has not yet passed any order on sentence because the petitioner had filed an application for recall which was rejected by the learned Magistrate on 10/1/2018. It is these orders which are being challenged in this revision application. The petitioner, who appears in person also submits that the petitioner had approached the learned Sessions Judge, who declined to entertain the challenge on the ground that the learned Magistrate is yet to pass an order on sentence.

2. The petitioner submits that the impugned judgment is without jurisdiction and in the absence of any documentary evidence about there being any legally enforceable liability, the petitioner has been convicted.

2. On hearing the petitioner in person, I do not find that the criminal revision application can be entertained. The learned Magistrate is yet to pass an order of sentence and after an order on sentence is passed, the petitioner has an efficacious statutory remedy of filing an appeal against the same before the learned Sessions Judge. For this reason, I decline to entertain the criminal revision application, which is accordingly dismissed. It is made clear that this Court has not expressed any opinion on the merits of the matter.

C. V. BHADANG, J.

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