

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL MISC. APPLICATION NO. 55 OF 2018
IN
STAMP NUMBER MAIN NO. 36 OF 2018

HARE RAM SINGH., ... Applicant

Versus

RENATI SRINIVASULU AND ANR., ... Respondents

Shri Jatin Ramaiya, Advocate for the Applicant.
Shri Siddesh S. Shet, Advocate for the Respondent no.1.

Coram:- NUTAN D. SARDESSAI, J.

Date:- 4th June 2018

P.C.

Shri S. Shet, learned Advocate files his appearance on behalf of the respondent no.1 and undertakes to file his Wakalatnama in the Registry.

2. i have considered the grounds urged in the application for leave to appeal and particularly paragraph 5 thereof which is to the effect that there was no regular Presiding Judge to the 'D' Court, Panaji since December 2016 onwards till around a year later. It is also the case of the applicant that he was under the impression that his presence was not required in the matter for want of a regular Presiding Judge in the Court and he thereof did not attend the hearing and in the meantime the link Court took up

the matter and dismissed it for non-prosecution.

3. Shri Shet, learned advocate for the respondent no.1 has no objection for leave being granted to appeal against the order of dismissal of the complaint and the acquittal of the accused-respondent no.1.

4. In view thereof and considering the factual matrix, leave is granted and the impugned order dated 26.10.2017 is quashed and set aside. The complaint is restored to file. The parties are directed to appear before the learned J.M.F.C., 'D' Court, Panaji on 18.06.2018 at 10.00 hours.

5. Application stands disposed off accordingly.

NUTAN D. SARDESSAI, J.

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