IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISC. APPLICATION NO. 171 OF 2018
IN
STAMP NUMBER MAIN NO. 229 OF 2018

V.P.K. URBAN CO-OPERATIVE CREIDIT SOCIETY LTD., REP. BY PUNDALIK RAMA PALYEKAR., ... Applicant

Versus

JAVED KOTHUDDIN SHAIKH AND ANR., ... Respondents

Shri D. J. Pangam and Shri S. P. Munj, Advocate for the Applicants.

Coram:- NUTAN D. SARDESSAI, J.

Date:- 9th August 2018

P.C.

Learned Counsel appearing for the applicants invited attention to the impugned judgment where the learned JMFC had given a clear finding that the complainant had proved that the accused had availed a loan in the stated amount and that towards the discharge of the said liability, he had issued the cheque and upon presenting the same for encashment, the same got dishonoured for insufficient funds and even after the receipt of the legal notice, there was non-compliance by way of repayment. The learned JMFC however held against the applicant on the premise that there was no due authorisation to its Officer to represent its interest before the Court and on that sole count, dismissed the complaint and acquitted the accused-respondent.

2. To my mind, sufficient case has been made out for the grant of leave to appeal and in view thereof the application is allowed. Registry to register the appeal.

3. Application stands disposed off accordingly.

NUTAN D. SARDESSAI, J.

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