

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISC. APPLICATION NO. 79 OF 2018

IN

STAMP NUMBER MAIN NO. 553 OF 2018

MARIO MELBON I. D'COSTA., ... Applicant

Versus

CHRISTINO FERNANDES AND ANR., ... Respondents

Shri Arun Bras De Sa, Advocate for the Applicant.
Shri S. Samant, Advocate for the Respondent No.1.

Coram:- NUTAN D. SARDESSAI, J.

Date:- 7th June 2018

P.C.

Heard.

2. On the basis of the material on record, it is apparent that the applicant has made out a case for grant of leave to appeal. The applicant was secured by an order of conviction by the learned J.M.F.C. Considering the issues at large, the learned Appellate Court being the Additional Sessions Judge, however, overlooking the presumption available under Section 139 of the Act, had reversed the judgment of conviction to one of acquittal. On the basis of the material on record, there is substantial ground made out for appeal to challenge the said judgment.

3. In view thereof, the application is allowed. STM No.553 of 2018 be registered as Criminal Appeal.
4. Application stands disposed off.

NUTAN D. SARDESSAI, J.

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