

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL REVISION APPLICATION NO. 21 OF 2017

Mr. Kashinath Laxman Goankar,
S/o Shri Laxman Gaonkar,
Service, Age: 38 years, Married,
R/o H. NO. 27, Guleli,
Valpoi, Sattari-Goa.

.... Petitioner

V e r s u s

1. The Sattari Urban Co-operative
Credit Society Ltd., regd. Office,
Appa Commercial & Residential
Complex, Valpoi, Sattari-Goa.

2. State of Goa,
Through Public Prosecutor,
High Court, Altinho,
Panaji, Goa.

..... Respondents

Shri S. Redkar, Advocate for the Petitioner.

None for the Respondent .

CORAM: C. V. BHADANG, J.
DATE: 27TH February, 2018.

ORAL JUDGMENT :

The challenge in this revision application is to the judgment and order 3/11//2016 passed by the learned Sessions, North Goa, Mapusa dismissing the appeal filed by the applicant in default. That appeal was filed

by the applicant challenging his conviction for the offence punishable under section 138 of the Negotiable Instruments Act 1881.

2. I have heard Shri Redkar, the learned counsel for the petitioner. None appears for the respondent.

3. It is now well settled that a criminal appeal has to be decided on merits and cannot be dismissed in default. The provisions of section 385 r/w section 386 of Cr.P.C. are relevant for the purpose. Thus, in my considered view the learned Sessions Judge was in error in dismissing the appeal for default on account of non-appearance of the petitioner. In the result the Criminal Revision is allowed. The impugned order is hereby set aside. The Criminal Appeal No.64/2014 is hereby restored to file of the learned Additional Sessions, Mapusa for disposal according to law. Parties to appear before the learned Session Judge on 12/3/2018 at 10.a.m.

4. The amount lying before this Court along with interest, if any, shall be remitted to the Court of the learned Sessions Judge at Mapusa.

C. V. BHADANG, J.

Ap/

