

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL MISC. APPLICATION NO. 184 OF 2018
IN
STAMP NUMBER MAIN NO. 2193 OF 2018

THE BICHOLIM MERCHANTS URBAN
CO-OP. CREDIT SOCIETY LTD., REP.
BY DAYANAND VASU PATRE.,

... Applicant

Versus

VISHNU DEVU GAONKAR.,

... Respondent

Shri Ashwin D. Bhobe, Advocate for the Applicant.

Coram:- C. V. BHADANG, J.

Date:- 3rd September 2018

P.C.

This is an application for leave to appeal against acquittal.

2. The learned Magistrate has acquitted the respondent from the offence punishable under Section 138 of the Negotiable Instruments Act, on the ground that the applicant, which is the Co-operative Credit Society has not intimated about the charge of interest and therefore, the cheque cannot be said to have been issued in discharge of legally enforceable debt or liability.

3. The respondent is absent, though served.

4. I have heard Shri Bhobe, the learned Counsel for the applicant

and perused record and I find that a case for leave to appeal against acquittal is made out. The criminal miscellaneous application is allowed. Let the criminal appeal be registered, which shall be treated as Admitted. The learned Magistrate shall take action under Section 390 of Cr.P.C.

C. V. BHADANG, J.

EV