

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL MISC. APPLICATION NO. 193 OF 2018
IN
STAMP NUMBER MAIN NO. 2298 OF 2018

THE MAHILA URBAN CO-OPERATIVE
CREDIT SOCIETY LTD., REP. BY AUT.
OFFICER, VIVEK KASHINATH
SHIRODKAR.,

... Applicant

Versus

MAHESH VITHAL PHADTE AND ANR.,

... Respondents

Shri Deepak Gaonkar, Advocate for the applicant.
Shri A. D'Silva, Advocate for the respondent no.1.
Shri P. Faldessai, Additional Public Prosecutor for the
respondent no.2.

Coram:- C. V. BHADANG, J.

Date:- 7th September 2018

P.C.

Heard.

2. This is an application for leave to appeal against the acquittal.
3. The respondent has been acquitted from the offence punishable under Section 138 of the N. I. Act, on the ground that the subject cheque was taken as a security/ pledge and was not issued in discharge of the legally enforceable debt or liability as existing on the date of the cheque.
4. On hearing the learned Counsel for the parties, I find that the matter requires consideration and a case for grant of leave is

made out. The application is, accordingly, allowed. Let the Criminal Appeal be registered, which shall be treated as admitted.

5. The learned Counsel for the respondent no.1 waives service. The learned Additional Public Prosecutor waives service for the respondent no.2.

6. The learned Magistrate to take action under Section 390 of Cr.P.C.

C. V. BHADANG, J.

SMA