

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL MISC. APPLICATION NO. 205 OF 2016
IN
STAMP NUMBER MAIN NO. 1578 OF 2016

HOME SHOPPE PVT. LTD., THR. ITS
AUT. OFFICER SAVIO TILAK
GRACIOUS.,

... Applicant

Versus

DEVENDRA KAVLEKAR AND ANR.,

... Respondents

Shri Jatin Ramaiya, Advocate for the Applicant.

Coram:- C. V. BHADANG, J.

Date:- 4th April 2018

P.C.

This is an application for leave to appeal against acquittal.

2. By the impugned order, the learned Magistrate has dismissed the complaint filed by the applicant under Section 138 of the Negotiable Instruments Act, under Section 256 of Cr.P.C., for non appearance.

3. I have heard the learned Counsel for the applicant. None appears for the respondent no. 1, though served.

4. The learned Counsel for the applicant has pointed out that the applicant was not absent on four occasions as has been stated in

the impugned order. It appears that the respondent no. 1-accused was not even served in the complaint. The learned Counsel submits that steps were taken to serve the respondent no. 1-accused on 27.11.2015 and thereafter, the matter was posted on 08.01.2016 and the impugned order is passed on 04.03.2016.

5. Considering the overall circumstances, I find that a case for grant of leave to appeal is made out. The 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. Hearing of the Criminal Appeal is expedited. Liberty to apply for early hearing.

C. V. BHADANG, J.

EV