

**IN THE HIGH COURT OF BOMBAY AT GOA**  
**CRIMINAL MISC. APPLICATION NO. 318 OF 2017**  
**IN**  
**STAMP NUMBER MAIN NO. 3891 OF 2017**

SANJEEV MENINO JESUS TAVARES., ... Applicant

Versus

ALVIS SANTANO ALMEIDA., ... Respondent

Shri John Abreu Lobo, Advocate for the Applicant.

Shri Nigel Da Costa Frias, Advocate for the Respondent.

Coram:- C. V. BHADANG, J.

Date:- 6th March 2018

P.C:

This is an application for leave to appeal against acquittal.

2. The applicant had filed a complaint under Section 138 of the Negotiable Instruments Act against the respondent. The learned Magistrate by the impugned order dated 16.06.2017 has dismissed the complaint and acquitted the respondent, purportedly under Section 249 of Cr.P.C. on account of the fact that the applicant failed to remain present, inspite of opportunities granted.

3. Shri Lobo, the learned Counsel for the applicant submits that the applicant was abroad and this was the third date fixed for

cross examination of the applicant. It is submitted that the applicant has now come back and would punctually remain present on the dates fixed.

4. Shri Frias, the learned Counsel for the respondent has opposed the application. However, considering the circumstances and the submissions made, I find that a case for grant for leave is made out. The application is accordingly allowed. Let the criminal appeal be registered.

C. V. BHADANG, J.

EV