

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL MISC. APPLICATION NO. 148 OF 2019
IN
STAMP NUMBER MAIN NO. 2760 OF 2018

LOURENCO ROSARIO MIRANDA., ... Applicant

Versus

MOHAMMED ARIF SHAIKH @ SHAIKH
MUMHAMMED AARIF., ... Respondent

Shri Vitthal Naik, Advocate for the applicant.

Shri Shailesh Redkar, Advocate for the respondent.

Coram:- NUTAN D. SARDESSAI, J.

Date:- 14th February, 2020

P.C.:

Heard Shri V. Naik, learned Advocate for the applicant who submitted that he had filed an application for leave to appeal to challenge the judgment and order dated 10/08/2017 passed by the learned JMFC, Margao wherein his complaint came to be dismissed for non-prosecution resulting in the acquittal of the respondent. Thereafter on the basis of the Judgment of the Hon'ble Apex Court, he filed another complaint based on the same cheque and which complaint came to be dismissed as not maintainable. In that process considerable time was spent and therefore the present application for the condonation of delay.

2. Shri Redkar, learned Advocate submitted that there was

suppression of the fact that the second complaint was filed based on the same subject cheque which was the subject matter of the criminal complaint dismissed on 10/08/2017. Moreover, the applicant had sought more than 12 adjournments for conducting the matter.

3. No sufficient ground whatsoever has been made out by the applicant and for condoning the delay and quite on the contrary the applicant was guilty of suppression of the material facts from this Court.

4. In view thereof, the application for the condonation of delay stands dismissed.

NUTAN D. SARDESSAI, J.

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