

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISCELLANEOUS APPLICATION NO. 84 OF 2019

IN

STAMP NUMBER MAIN NO. 4049 OF 2018 (FILING)

SHREE MALLIKARJUN
SHIPPING PVT. LTD., REP.
BY ITS AUT. REP.,
BHUSHAN HONAVARKAR.,

... Applicant.

VS

HANUMAN MINERALS,
THR. GIRISH JAGGAL AND
ANR.,

.... Respondents.

WITH

CRIMINAL WRIT PETITION NO. 227 OF 2019

SHREE MALLIKARJUN
SHIPPING PVT. LTD., REP.
BY ITS AUT. REP.,
BHUSHAN HONAVARKAR.,

... Petitioner.

VS

HANUMAN MINERALS,
THR. AUTHORIZED
SIGNATORY, GIRISH
JAGGAL AND ANR.,

... Respondents.

WITH

STAMP NUMBER APPLICATION NO.4050 OF 2018 (Filing)

IN

STM/4049/2018(Filing No)

SHREE MALLIKARJUN
SHIPPING PVT. LTD., REP.
BY ITS AUT. REP.,
BHUSHAN HONAVARKAR.,

... Applicant

VS

HANUMAN MINERALS,
THR. GIRISH JAGGAL AND
ANR.,

... Respondents

Mr. Parag Rao, Advocate for the Applicant.

Ms. Vinkita V. Mapari, Advocate holding for Mr. Rupesh Chodankar,
Advocate for Respondent No.2.

CORAM : NITIN W. SAMBRE, J.

DATE : 16th March, 2021

P.C.

This is an application taken out by the original complainant seeking condonation of delay of thirty days in filing an application for Special Leave to Appeal. By impugned judgment the respondent-accused is acquitted of charge punishable under Section 138 of the Negotiable Instruments Act.

2. Considered the submission and the cause set out in the application in support for prayer for condonation of delay. In my opinion sufficient cause is made out. Criminal Miscellaneous Application No.84 of 2019 stands allowed in terms of prayer clause (a).

3. The application Stamp Number Main No.4050 of 2018, the learned Counsel submits that the Magistrate has failed to consider the issue of discharge of burden by the applicant/complainant as provided under Section 118 r/w Section 138 of the Negotiable Instruments Act. Leave granted. The application stands disposed of accordingly.

3. Admit CRMA/4049 of 2018.

4. Ms. Vinkita V. Mapari, learned counsel waives notice for respondent No.2. Action under section 390 of Cr. P.C.

NITIN W. SAMBRE, J.

msr.