

# IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISC. APPLICATION NO. 66 OF 2019

IN

STM NO. 1878 OF 2017

(Filing No.)

Kranti Gudinho

..... Applicant

*V e r s u s*

Socorina Fernandes & anr.

..... Respondents

Mr. Shailesh Redkar, Advocate for the Applicant.

Mr. Salil Satish Saudagar, Advocate for the Respondent no.1, U/LAS.

Mr. Pravin Faldessai, Additional Public Prosecutor for the Respondent no.2.

CORAM : NITIN W. SAMBRE, J.

DATE : 7<sup>th</sup> April, 2021

P.C.

This revision is against the order of acquittal of the accused for an offence punishable under Section 138 of the Negotiable Instruments Act.

2. The Trial Court acquitted the Respondent-Accused on the ground that the Applicant has failed to discharge the initial burden of legally enforceable debt, though he was holding the cheque issued by Respondent-Accused.

Issuance of cheque by the Respondent-Accused is not seriously disputed.

3. Case for consideration is made out. Leave granted.

**NITIN W. SAMBRE, J.**

ANDREZA PEREIRA  
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