

IN THE HIGH COURT OF BOMBAY AT GOA  
CRIMINAL MISC. APPLICATION NO. 51 OF 2020  
IN  
STAMP NUMBER MAIN NO. 2304 OF 2019

Sudhakar Naguesh Parab

..... Applicant

*V e r s u s*

Poonam Naik

..... Respondent

Mr. Gideon Noronha, Advocate for the Applicant.

Mr. Rohan P. Desai, Advocate for the Respondent.

Coram :-     NITIN W. SAMBRE, J.

Date :        16<sup>th</sup> March, 2021

P.C.

Heard.

2.     Learned Counsel appearing for the respondent-accused could invite the attention of this Court in the evidence particularly cross examination of the complainant so as to pin point that the factum of absence of legally enforceable debt. According to him, the Trial Court has considered the entire evidence brought on record and, based on the same, ordered acquittal.

As such, leave is liable to be refused.

3. After having heard the rival arguments, it appears that the complainant has, *prima facie*, discharged the initial burden and, that being so, it was for the respondent-accused to rebut the same.
4. In that view of the matter, a case for consideration is made out.
5. Leave granted. Application is allowed.

NITIN W. SAMBRE, J.