

Esha

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISC. APPLICATION NO. 9 OF 2022

IN

CRIMINAL APPEAL NO. 45 OF 2022 (F)

AKILA KARDI GUDD

... APPLICANT

VS

OLIVIA FERNANDES AND ANR

... RESPONDENTS

Mr. Siddharth H. Naik with Ms. Samiksha S. Naik,
Advocates for the Applicant.

Mr. Mahesh Amonkar, Additional Public Prosecutor for
Respondent No. 2.

CORAM: SANDEEP K. SHINDE, J.

DATED: 21 JULY 2022

P.C.:

1. This is an Application for leave to Appeal against acquittal.

2. The learned Chief Judicial Magistrate at Margao vide order dated 23.11.2021, passed in Criminal Case No. OA/297/2019, has dismissed the complaint in default, filed by the Applicant against the Respondent No. 1, for the offence punishable under Section 138 of the Negotiable Instruments

Act, thereby, acquitting the Respondent No. 1, under Section 256 of Cr.P.C.

3. None appears for Respondent No. 1, though served.
4. Heard learned Counsel for the Applicant and perused record.
5. On hearing the learned Counsel for the Applicant, I find that a case for leave to Appeal against acquittal is made out. Hence, the Criminal Miscellaneous Application is allowed. Let the Criminal Appeal be registered, which shall be treated as Admitted. The learned Magistrate shall take action under Section 390 of Cr.P.C.
6. List the Criminal Appeal for final hearing in the week commencing from 19th September 2022.

SANDEEP K. SHINDE, J.

VAIGANKAR
ESHA SAINATH

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