

Vinita

**IN THE HIGH COURT OF BOMBAY AT GOA.
CRIMINAL WRIT PETITION NO. 66 OF 2022-F**

PUNDALIK VENKTESH ... Petitioner.
VERLEKAR
VS
SANDESH SAINATH NARVEKAR ...Respondent.

Mr. R. Gawas, Advocate for the petitioner.

Respondent present in person.

**CORAM: G. S. KULKARNI, J.
DATE: 3 OCTOBER 2022.**

P.C.:

1. The petitioner has assailed the order dated 25.4.2022 passed by the learned Chief Judicial Magistrate at Panaji, whereby an oral request for adjournment as made on behalf of the petitioner, was rejected and it was ordered that "defence evidence of the accused stands closed" and the matter was posted for final arguments on 1.7.2022.
2. The contention as urged on behalf of the petitioner is that the learned trial Court ought not to have adopted such an approach. It is his contention that an opportunity ought to have been granted to the

petitioner to participate in the proceedings.

3. The respondent/Complainant who is present in person submitted that complaint is of the year 2016 and it is pending for a substantial time, hence, no interference be granted to the petitioner in the impugned order as passed by the learned Chief Judicial Magistrate. It is his contention that the proceedings being under Section 138 Negotiable Instruments Act need to be concluded at the earliest.

4. The respondent/complainant in person would be correct that the complaint ought not to have remained pending for so long. The applicant/accused ought to have acted with due diligence and should have cooperated in the early disposal of the complaint.

5. In the above circumstances, keeping in my mind the interest of justice, a last opportunity ought to have be given to the petitioner making it clear the defence evidence be completed within a period of one month from today. The petitioner shall not seek any adjournment.

6. In the above circumstances, the impugned order is set aside, however, with a condition that the petitioner shall without any further adjournments, co-operate in the early disposal of the case which shall be disposed of by learned Chief Judicial Magistrate within a period of

three months from today.

7. All contentions of the parties, on the merits of the case, are expressly kept open.

8. Petition stands disposed of in the above terms.

G. S. KULKARNI,J.

VINITA VIKAS NAIK

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