

Esha

IN THE HIGH COURT OF BOMBAY AT GOA

**CRIMINAL MISC. APPLICATION NO. 70 OF 2021
IN
CRIMINAL APPEAL NO. 546 OF 2021 (F)
WITH
CRIMINAL APPEAL NO. 546 OF 2021 (F)**

SANTOSH SHABA GAONKAR ...APPLICANT
Versus
RUKMAKAR ALIAS BHARAT
TULSIDAS NAIK AND ANR. ...RESPONDENTS

Mr. Adish Halarnkar, Advocate *for the Applicant.*

Mr. S.G. Bhobe, Public Prosecutor *for Respondent No. 2.*

CORAM: M.S. SONAK, J.

DATED: 20th January 2022.

P.C.:

1. Heard Mr. Halarnkar, learned Counsel for the applicant.
2. A case has been made out for grant of leave to Appeal against the acquittal, recorded in the impugned judgment and order dated 18.03.2021, as it was pointed out by Mr. Halarnkar that the acquittal is primarily based on a slight discrepancy in the cheque number.
3. Mr. Halarnkar has pointed out that the accused had issued cheque bearing no. 485073, but, the contention of the accused

was that he had issued cheque bearing no. 9485073. Now simply because it is the case of the accused that the cheque was issued by him had this additional number 9, there is difference between the two cheques. This *prima facie*, cannot be accepted or in any case, is required to be examined.

4. Hence, leave to Appeal is granted. Criminal Appeal No. 546/2021 (F) is also Admitted.

5. The applicant/appellant will have to take steps to serve the respondents.

6. Mr. Bhobe, learned Public Prosecutor appears for respondent no. 2 and points out that the State is a formal party in this matter.

7. Accordingly, Criminal Miscellaneous Application No. 70/2021 stands disposed of.

M.S. SONAK, J.