

Andreza

**IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL WRIT PETITION NO. 55 OF 2023**

Namdev Rajaram Gawde	... Petitioner
<i>Versus</i>	
Francisco Colaco	...Respondent

Ms. Namrata Namdev Gawde, Advocate *for the Petitioner.*
Mr. G. Malik, Advocate *for the Respondent.*

CORAM: M. S. KARNIK, J
DATED: 10th JULY 2023

P.C.

1. Heard learned counsel Ms. Gawde for the petitioner and learned counsel Mr. Malik for the respondent.

2. This is a petition challenging an order dated 19.11.2022 passed by the trial court partly allowing the application thereby permitting the petitioner-complainant to produce two documents.

3. So far as the request of the petitioner to produce the documents at page 26, which is a complaint dated 24.06.2017 addressed by the complainant to the Police Inspector against the respondent for cheating and criminal breach of trust; and the other document at page 29 of the paper book which is dated 17.02.2018 which is a complaint against the accused also for cheating and criminal breach of trust in respect of the very same transaction forming part of the complaint under section 138 of the Negotiable Instruments Act, 1881,

the application stands rejected. The trial court was of the opinion that the said two documents are not relevant.

4. Learned counsel for the respondent-accused opposed the writ petition and submitted that there is no reason to interfere with the order passed by the trial court which for valid reasons has rejected the application.

5. Heard.

6. In my opinion, the trial court was in error in holding that the aforesaid documents are not relevant. No prejudice would be caused to the accused if these two documents are produced. A reading of the documents would go to show that prior in point of time to the dishonour of the cheque, the complaints were made by the petitioner to the concerned Police Station against the accused pertaining to the very same transaction mentioned in the complaint. The application for production of these two documents also needs to be allowed.

7. Needless to mention the accused shall have an opportunity to deal with the said documents.

8. The petition is therefore allowed in terms of prayer clause (a).

9. Petition is disposed of. No costs.

M. S. KARNIK, J