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IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISC. APPLICATION NO.16 OF 2022

WITH

CRIMINAL APPEAL NO.355 OF 2021 (F)

CRIMINAL MISC. APPLICATION NO.16 OF 2022

LIDA JOAO

... APPLICANT

Versus

ELCINA PAES (DEC) (AMENDMENT
CARRIED OUT ON 12/09/2019 AS PER
ROZNAMA ORDER DTD. 29/08/19)AND 7
ORS

... RESPONDENTS

WITH

CRIMINAL APPEAL NO.355 OF 2021 (F)

LIDA JOAO (AMENDMENT CARRIED OUT
ON 12/09/2019 AS PER ROZNAMA ORDER
DTD. 29/08/19)AND 7 ORS

... APPELLANT

Versus

ELCINA PAES (DEC) AND 6 ORS

... RESPONDENTS

Mr A. D. Bhobe, Advocate for the appellant

Mr R. Menezes, Advocate for the respondent nos.2, 5, 7

CORAM:- AVINASH G. GHAROTE, J.

DATED :- 26th March, 2024

P.C.

Application is filed by Mr. Nigel Fernandes seeking to withdraw his appearance on behalf of respondent no.7. Leave is granted. Mr R. Menezes appears on behalf of respondent no.7. Application stands disposed of.

2. This Criminal Misc. Application no.16/2022 is an application for leave to appeal against judgment leave to appeal against the judgment

dated 09.2.2021 acquitting the respondents No.2,5 6 and 7 of the offence under Section 143, 148, 289, 352, 427, 447, 504 and 560(ii) read with section 149 of IPC. It is contended that though the complaint was in respect of multiple incidents to support which several witnesses have been examined, the evidence has not been considered in proper perspective by the learned magistrate. I have gone through the impugned judgment and find some substance in the contention in view of which though there is opposition by Mr. Menezes by learned counsel for respondent nos. 2, 5, 6 and 7, leave to appeal is granted.

3. Office to register the Criminal Appeal no.355/2021/F
4. Issue notice for final disposal returnable on 23.4.2024.
5. Mr R. Menezes, waives notice on behalf of respondent nos. 2,5 and 7 in appeal.
6. Call for records and proceedings.

AVINASH G. GHAROTE, J.