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IN THE HIGH COURT OF BOMBAY AT GOA

**CRIMINAL MISC. APPLICATION NO.41 OF 2022
WITH
CRIMINAL APPEAL NO.302 OF 2022 (F)**

CRIMINAL MISC. APPLICATION NO.41 OF 2022
THE BHAGAWATI URBAN COOPERATIVE
CREDIT SOCIETY LTD., REP. BY ITS
ACTING SEC. VITHAL KRISHNA GURAV ... APPLICANT
Versus
BABLI SAGUN NAIK AND ANR ... RESPONDENTS

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Mr D. Gaonkar and Mr A. Govekar, Advocate for the applicant.
Mr G. Nagvekar, Addl. Public Prosecutor through VC for respondent
no.2.

CORAM:- VINAY JOSHI, J.

DATED :- 29th February, 2024

P.C.

Respondent no.1 though served remained absent.

2. Heard Mr D. Gaonkar, learned counsel for the applicant.
3. The applicant has filed a private complaint for the offence punishable under Section 138 of the Negotiable Instruments Act 1884. After recording the evidence, the learned Magistrate acquitted the accused holding that there was no legally enforceable debt.

4. Learned counsel for the applicant would submit that as per loan agreement repayment would have to be made on 26.10.2015. The accused who is a guarantor has paid due amount with accrued interest vide cheque dated 3.11.2017 which was dishonoured. According to the applicant, there is no limitation for receiving a cheque towards repayment. It is argued that the trial Court erred in holding that there was no legally enforceable debt perhaps on account of delay in issuing the cheque for repayment.
5. Matter requires consideration. Leave granted as prayed.
6. Application stands disposed of

VINAY JOSHI, J.