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IN THE HIGH COURT OF BOMBAY AT GOA

**CRIMINAL MISC. APPLICATION NO.42 OF 2022
WITH
CRIMINAL APPEAL NO.327 OF 2022 (F)**

CRIMINAL MISC. APPLICATION NO.42 OF 2022
THE BHAGAWATI URBAN COOPERATIVE
CREDIT SOCIETY LTD., REP., BY
ACTING SECRETARY VITHAL K. GURAV ... APPLICANT
Versus
SANJAY SAKHARAM KINLEKAR AND ANR ... RESPONDENTS

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Mr D.Gaonkar and Mr A. Govekar Advocate for the applicant.
Mr Guru Shirodkar and Ms V. Parab, Advocate for respondent no.1.
Mr N. Vaze, Addl. Public Prosecutor for respondent no.2.

CORAM:- VINAY JOSHI, J.

DATED :- 29th February, 2024

P.C.

Heard.

2. This is an application seeking leave to appeal to file appeal against order of acquittal passed by the Magistrate in Criminal Case No. OA(NIA)/101/2018. Learned Magistrate acquitted the accused by holding that there was no legally enforceable debt.

3. Learned counsel for the applicant attracted attention to the

promissory note showing that the applicant stood as guarantor to the loan advanced. Learned Magistrate held that since applicant is not the borrower, there is no legally enforceable debt. However, accused appears to be a guarantors. Thus matter requires consideration.

4. Leave granted.
5. Application stands disposed of.

VINAY JOSHI, J.