



vinita

IN THE HIGH COURT OF BOMBAY AT GOA

**CRIMINAL MISC. APPLICATION NO.79 OF 2022
WITH
CRIMINAL APPEAL NO.637 OF 2022 (F), CRIMINAL MISC.
APPLICATION NO.638 OF 2022 (F)**

CRIMINAL MISC. APPLICATION NO.79 OF 2022
BALKRISHNA D. BANDEKAR PARIT ... APPLICANT
Versus
PANKAJ A. SAWANT ... RESPONDENT

**WITH
CRIMINAL APPEAL NO.637 OF 2022 (F)**
BALKRISHNA D. BANDEKAR PARIT ... APPELLANT
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**WITH
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BALKRISHNA D. BANDEKAR PARIT ... APPLICANT
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PANKAJ A. SAWANT ... RESPONDENT

Ms B. Kulkalekar, Advocate for the applicant.
Mr S. Redkar and Ms N. Gaonkar, Advocate for the respondent.

CORAM:- BHARAT P. DESHPANDE, J.

DATED :- 9th July, 2024

P.C.

- Heard learned counsel for the applicant.
2. Mr Redkar appears for the respondent.
 3. It is pointed out that the order impugned in the present appeal is one below Exh. 1 i.e. the complaint dismissing it for default. Mr Redkar would submit that such order was passed even before issuance

of process and at the stage of verification of the complaint and therefore, it would not amount to acquittal or discharge of the accused and hence, appeal would not lie.

4. Learned counsel for the applicant seeks leave to withdraw the present proceedings with liberty to approach the revisional Court.

5. Considering the above facts and not disputed by the applicant, liberty is granted to withdraw the present proceedings and allowing the applicant to approach the revisional Court by filing revision.

6. Criminal Appeal stands disposed of in above terms. Pending application, if any stands disposed of.

BHARAT P. DESHPANDE, J.