



Esha

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISC. APPLICATION NO.70 OF 2022

IN

CRIMINAL APPEAL NO.869 OF 2021 (F)

THE BICHOLIM MAHILA URBAN CO-OP.

CRRDIT, SOCIETY LTD.,, REP. BY ITS

AUT. REP., SANJAY G. PARMEKAR

... APPLICANT

Versus

DNYANESHWAR SHASHIKANT NAIK

GOLTEKAR AND ANR

... RESPONDENTS

Mr. Deepak Gaonkar, Advocate for the Applicant.

CORAM:- BHARAT P. DESHPANDE, J.

DATED :- 25th June, 2024

P.C.

Heard Mr. Gaonkar for the Applicant. Though the Respondents are duly served, none appeared.

2. Mr. Gaonkar submits that there are strong grounds for the purpose of considering the matter on merits since inspite of the letter issued by Respondent No. 1 admitting that the disputed cheques were issued by him towards the liability of his mother, the learned Magistrate failed to consider such aspect and dismissed the complaint on the sole ground that no legally enforceable debt against Respondent No. 1 was made out.

3. The letter dated 30.01.2015 issued by Respondent No. 1 in favour

of the Applicant clearly reveals that such cheques were issued by Respondent No. 1 in discharge of liability of his mother. Hence, a case is made out for grant of leave.

4. Accordingly, the Application stands allowed. Leave is granted to the Applicant to file Appeal challenging the dismissal of the complaint and the acquittal of Respondent No. 1.

5. The Application stands disposed of in the above terms.

BHARAT P. DESHPANDE, J.