



IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL MISC. APPLICATION NO. 50 of 2025
IN
CRIMINAL REVISION APPLICATION NO.10 OF 2025
WITH
CRIMINAL REVISION APPLICATION NO.10 OF 2025

SURYA SHASHIKANT CHOPDEKAR ... APPLICANT

Versus

VPK URBAN CO-OPERATIVE CREDIT
SOCIETY LTD, THR ITS REP
PRABHAKAR RAMA GAUDE ... RESPONDENT

Ms. Karishma Betquecar, Advocate for the Applicant.

Mr. Jatin Ramaiya, Advocate for the Respondent.

The applicant present in person.

CORAM:- ASHWIN D. BHOBE, J.
(VACATION JUDGE)

DATED :- 24th May, 2025

P.C.:

1. On 23.05.2025, the following order was passed:

1. This petition has been circulated by Ms. Karishma Betquecar, learned Advocate for applicant, stating urgency in the matter. Mr. Jatin Ramaiya, learned Advocate for respondent states that the subject matter of the present proceedings is a cheque amounting to

Rs.3,42,000/-(Rupees Three Lakhs Forty Two Thousand only). He states that in the event this Court is inclined to show indulgence, the applicant should be put to terms which would include the applicant being called upon to deposit substantial amount.

2. Ms. Betquecar, learned Advocate for the applicant prays for time till tomorrow i.e. 24.05.2025 for seeking instructions. Advocate for the applicant is notified that in the event a positive statement with regards to deposit of substantial amount is not made, this Court will not be inclined to entertain the application.

3. Ms. Betquecar seeks leave to amend the CRMA.489/2025(Filing) as well as CRIR No.488/ 2025 (Filing). Amendment to be carried out by the end of the day.

4. List the matter on 24.05.2025”

2. Ms. K. Betquecar, learned Advocate for the Applicant states that the Applicant has today deposited an amount of Rs.80,000/- (Rupees Eighty Thousand only) with the Respondent. Mr. Jatin Ramaiya, learned Advocate for the Respondent admits of having received the amount of Rs.80,000/- from the Applicant.

3. By the present revision the Applicant assails the order dated 06.05.2025 passed by the learned Additional Sessions Judge, Mercers

in Criminal Misc. Application No.204 of 2024 by which the learned Additional Sessions Judge has declined to condone the delay of 205 days in filing an appeal questioning the conviction of the Applicant in Criminal Case No.OA/619/NIA/2017/C.

4. Ms. K. Betquecar, learned Advocate voiced arguments in line with the grounds raised in the Revision Application to contend that the impugned order in the facts and circumstances of the present case would be harsh.

5. Mr. Jatin Ramaiya, learned Advocate for the Respondent, on instructions from the authorized representative of the Respondent Bank, who is present in the Court states that the Applicant having today deposited the amount of Rs.80,000/- shows the bonafide's on the part of the Applicant to pursue the criminal appeal. He submits that though the reasons offered by the Applicant to seek condonation of delay of 205 days are not satisfactory, however in the facts of the present case and more so the Applicant suffering conviction, the Respondent would not object to setting aside of the impugned order dated 06.05.2025 passed by the learned Additional Sessions Judge, Merces in Criminal Misc. Application No.204 of 2024. In view of the above concession made by the Respondent, the impugned order dated

06.05.2025 passed by the Additional Sessions Judge, Mercés in Criminal Misc. Application No. 204 of 2024 is quashed and set aside. Consequently, the application for condonation of delay registered as Criminal Misc. Application No.204 of 2024 on the file of the learned Additional Sessions Judge, Mercés is allowed. The appeal is directed to be registered and the learned Additional Sessions Judge, Mercés is directed to decide the criminal appeal on its own merits and in accordance with law.

6. In the facts and circumstances of the present case, the sentence awarded in the Criminal Case No. OA/619/NIA/2017/C by the learned Judicial Magistrate First Class, Panaji is suspended pending the hearing and disposal of the appeal before the learned Additional Sessions Judge, Mercés, subject to the Applicant furnishing personal bond of Rs.15,000/- (Rupees Fifteen Thousand only) with one local surety in the like amount to the satisfaction of the learned Sessions Judge, Mercés. Ms. Karishma Betquecar, learned Advocate appearing for the Applicant, on instructions from the Applicant, who is present in the Court, states that the Applicant shall furnish the personal bond and the surety on 26.05.2025. In the event of failure of the Applicant to comply with this order, the Respondent to take appropriate steps in

terms of the order dated 21.11.2023 passed in Criminal Case No. OA/619/NIA/2017/C.

7. Criminal Revision Application disposed of in the above said terms. Interim application also stands disposed of.

ASHWIN D. BHOBE, J.