



Jose

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL WRIT PETITION NO.77 OF 2024

M/S. TUBA MARINE SERVICES PVT.
LTD ., REP. THR. ITS DIRECTOR
ZAKIR SAYED

... PETITIONER

Versus

JOAQUIM GREORIO CONCEICAO AND ANR

... RESPONDENTS

Mr. Vedraj Pal with Mr. Vedraj Toraskar, Advocates for the
Petitioner.

Mr. S. Karpe, Additional Public Prosecutor for Respondent No.2.

CORAM:- VALMIKI MENEZES, J.

DATED :- 15th April, 2025

P.C.:

1. After hearing this matter for some time, this Court was inclined to relegate the Petitioner to a remedy of filing a criminal revision before the Sessions Court, the challenge in the petition being one against the order of issuance of process.

2. The matter pertains to a case of cheque bouncing under Section 138 of the Negotiable Instruments Act wherein, the Complainant has alleged that he had paid the Petitioner an amount of Rs.85,000/- in the year 2017. The complaint further alleges that the cheque which is subject matter of the complaint, was issued by the Petitioner to the Complainant to refund the amount paid by the Complainant, however,

the same has bounced.

3. On instructions from the Director of the Petitioner Shri Sayed Zakir, learned Advocate submits that if notice is issued to the Respondent, the said Director will be ready and willing to pay back the said sum in installments.

4. It is only on the basis of the averments made by the learned Advocate for the Petitioner, that attempts are being made to settle the matter with the Respondent, that notice is being issued to Respondent No.1.

5. Issue notice to Respondent No.1 returnable on 09.06.2025. Mr. Karpe, on request of the Court, waives service for Respondent No.2-State.

6. Stand over to 09.06.2025.

VALMIKI MENEZES, J.