



IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL REVISION APPLICATION NO. 33 OF 2025

VISHWAS SURESH MARDOLKAR .. APPLICANT

V/S.

STATE OF GOA AND ANOTHER ...RESPONDENT

Mr. Vibhav Amonkar, Advocate for the Applicant

Mr. Nilesh Shirodkar, Advocate for Respondent No.1.

Mr. S.G. Bhobe, Public Prosecutor for Respondent No.2.

CORAM:- VALMIKI MENEZES, J.

DATED :- 16th September, 2025

ORAL ORDER:

1. Registry to waive office objections and register the matter.

2. This criminal revision application is directed against the order dated 25.04.2025 passed by the Sessions Court in Criminal Misc. Application No.4 of 2024 , by which an application for condonation of 40 days of delay in filing the criminal appeal against the order dated 20.10.2023 passed by the JMFC in Criminal Case No.OA/724/2019/C convicting the applicant for the offence under Section 138 of the NI Act. The Applicant was sentenced to undergo imprisonment of 30 days and to pay an amount of compensation of

Rs.23,20,000/- and in default to undergo further imprisonment for four months.

3. The reasons stated in the application were that the Applicant was looking after the temple festivities of Mahalasa Temple of Mardol, Ponda, since he was "Sevekari" of the temple, between 24.10.2023 and 20.11.2023. It was also averred by the Applicant that since this period was during the festival of Diwali, in the month of October, 2023, he was unable to contact his lawyer to file an appeal. Though the reasons stated may not contain details, it appears from the application that one of the reasons cited is that since the limitation was expiring during the Diwali holidays, the Applicant was unable to contact his lawyer, who might not have been available during that period. He has also contended in paragraph 6 of the application that his mother-in-law, who is elderly was also suffering from sickness.

4. Though these reasons have been denied, the grounds raised in the reply to oppose the application for condonation of delay were that the Applicant has an Advocate before the trial Court and could have contacted that Advocate. Apart from this, the reply also opposes the application on the ground that the reasons cited that the applicant was busy with temple festivities showed scanty respect for the Court.

5. The application was otherwise supported by an affidavit. The Magistrate had also suspended the sentence imposed on the applicant for a period of 30 days, and granted the Applicant time to file appeal. Taking these circumstances into consideration, dismissing the application for condonation of delay without really considering the reasons cited in the application would visit the Applicant herein serious consequences, considering that he has been convicted for three months of imprisonment. For these reasons the impugned order is quashed and set aside and the Criminal Revision Application is allowed. The Application for condonation of delay bearing Criminal Misc. Application No.4 of 2024 is allowed. The delay of 40 days stands condoned. The Registry of the Sessions Court North Goa is directed to register the Criminal Appeal and the same may be allowed in its regular term to the concerned Sessions Court for hearing the appeal on merits.

6. As a pre-condition for issuing notice to the Respondent, the Applicant had been directed to deposit an amount of Rs.4,60,000/- in the Registry of this Court vide order dated 29.04.2025. This amount shall be adjusted by the Sessions Court and considered whilst disposing of the Criminal Appeal. The Registry of this Court is directed to transfer the amount of Rs. 4,60,000/- deposited on 03.05.2025 directly to the account of the Respondent No.2, details of which are given below:

Name: The Old Goa Multi-purpose Co-Operative Society

Bank Name : State Bank of India

Branch : Old Goa

Account No: 31864077287

IFSC Code : SBIN0014375

7. A Notification dated 28.04.2024 has been placed on record by the learned Counsel for the Respondent No.2 to substantiate the fact that the name of Respondent No.2 as seen in this Notification being registered as "The Old Goa Multi-Purpose Co-Operative Society Ltd." instead of its old name "The Old Goa Credit Co-Operative Society" which name appears in the cause title of these proceedings and the proceedings before the Magistrate and the Sessions Court in appeal. The Applicant to correct the cause title of the appeal memo before the Sessions Court to incorporate the new name.

8. Revision Application stands allowed.

VALMIKI MENEZES, J.