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**IN THE HIGH COURT OF BOMBAY AT GOA****CRIMINAL WRIT PETITION NO. 56 OF 2025**

Ms. PATRICIA REITER, Daughter of  
Mr. Walter Reiter, aged about 45 years,  
having Passport No. U3784545, Native  
of 829, Ocean Park, Blvd 3, Santa  
Monica, CA90405/612, Montana  
Avenue APT B, Santa Monica,  
CA90403, Presently residing at Assagao  
Envy, Apartment No. 002, Block F, Near  
Assagao Union High School, Assagao,  
Mapusa-Goa, 403 507.

**...Petitioner*****Versus***

1. Mr. SOMNATH SHARAD  
MANDREKAR, son of Late Shri  
Sharad Mandrekar, aged about 49  
years, married, in business, Indian  
National and R/o H. No. 28,  
Askawada, Mandrem, Pernem-Goa.

2. STATE OF GOA, through Public  
Prosecutor, Attached to the Hon'ble  
High Court of Bombay at Goa

**...Respondents**

Mr. Sahil Deshprabhu, Advocate for the Petitioner.

**CORAM : VALMIKI MENEZES, J.****Dated : 22<sup>nd</sup> August, 2025.**

**ORDER:**

1. This Petition impugns order dated 14.08.2025, passed by the Court of Judicial Magistrate First Class Pernem, North-Goa in OA/16/2022, on an Application for recalling of a witness, (DW-1), who is the Petitioner/Accused.

2. The Complainant, Respondent herein filed a complaint dated 19.03.2022 against the Petitioner, under Section 138 r/w 142 of the NI Act before the JMFC, Pernem. It is the Complainant's case that two cheques which were dishonoured dated 15.10.2021 and 31.10.2021, together amounting to Rs.8,74,200/- were issued by the petitioner towards the payment of rent due for use of the Respondent's premises during the Covis-19 pandemic. The cheques bounced due to insufficient funds on 11.01.2022, pursuant to which notice was issued to the Petitioner on 09.02.2022, and owing to no reply being filed, the complaint was lodged before the Magistrate.

3. After trial commenced, the Accused filed an application on 14.12.2022, under Section 145 (2) of N.I. Act, seeking cross examination of the Complainant. The order allowing this Application was set aside in Writ Petition No 90/2023 before this Court on 03.02.2023, holding that no specific defence was set out by the Accused in the Application.

4. On 09.06.2023, the J.M.F.C. recorded the statement of the Accused under Section 313 Cr.P.C., in which, under sub-Section 5 of Section 313, the Accused preferred to file a detailed written statement. In this written statement, the Petitioner took a defence that she was coerced into issuing the cheques, but however, no defence was taken that the Petitioner attempted to file a police complaint before Pernem Police Station to complain of such coercion.

5. The Accused thereafter led evidence by examining herself under sub-Section 1 of Section 315 of Cr.P.C., however, in her examination-in-chief she has made no statement that she had approached the Police Station to lodge a complaint against the Respondent of forcibly taking the two cheques under coercion. There is also no statement in the examination-in-chief as to the fact that the guest house in which the Accused was stayed was not registered with the Tourism Department at the relevant time.

6. After cross-examination, the Petitioner re-examined herself on 21.08.2024 and clarified that the said payment was made towards cheque dated 15.10.2021. Thereafter the Accused examined one other witness and then filed an application for production of document and summoning of a witness, PSI Praful Giri to produce case diary in the trial court; the application was dismissed by the trial court vide its order dated

01.03.2025, holding that the evidence sought to be produced by the accused is apparently not relevant/essential to the just decision of the case. A second application came to be filed on 26.03.2025 seeking permission to examine a witness (Assistant Director of Tourism), which was dismissed by the Magistrate vide its order dated 03.06.2025 on the ground that the evidence to be produced by the Accused is not relevant to the just decision of this case.

7. The Petitioner challenged both these orders before this Court in Criminal Writ Petition No. 37 of 2025 and Criminal Writ Petition No. 38 of 2025. These petitions were dismissed by a common Order dated 21.07.2025, which was challenged in the Hon'ble Supreme Court by way of an SLP, and was ultimately withdrawn on 11.08.2025.

8. On 16.08.2025, the Petitioner filed an application for recalling of witness, DW-1, i.e. herself, to lead further evidence to produce a call letter from the Pernem Police Station, which she claimed she received with regard to the threats issued by the Complainant. This application was dismissed by the Magistrate vide order dated 16.08.2025, which is impugned herein.

9. The sole contention of the Learned Advocate for the Petitioner for justifying such recall of the Accused was that the Accused has now come into possession of this document, which

she has found recently, and such document would prove her defence that the cheque was obtained under coercion.

If one peruses the defence raised by the Petitioner, she has nowhere stated in her evidence that she attempted to complain to the police of such coercion, nor has she stated in her evidence that she received a call letter in that regard. Cross-examination of the Accused was completed, and another defence witness was examined thereafter. The document now sought to be produced is neither relevant nor does it refer to any case of coercion lodged by the Petitioner. It is nowhere the case of the Petitioner that she had attempted to file a complaint in that regard, let alone that she had received any notice with regard to her complaint. Paragraphs 4 to 9 of the application aver that the Petitioner did not have any proof regarding the fact that she had attempted to approach the police in regard to acts of coercion; However, neither is any statement made in her examination-in-chief nor in her cross-examination, where she has only stated she did not approach the police since the Complainant was friendly with the police. Since no defence of coercion was ever raised, this is yet another attempt to delay the proceedings, after approaching the High Court on at least three occasions and after the Supreme court has dismissed the petitioner's SLP.

10. This is a summary procedure in a cheque-bouncing case. In the light of the above facts, no case is made out for

interference with the impugned order. Petition is dismissed at the threshold.

**VALMIKI MENEZES, J.**