ıa

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL APPEAL NO.7 OF 2026

Mr. Sitaram alias Sandeep
Dattaram Kalokhe, Aged 56
years, R/o. H. No. 268,
Manshebhat, Haliwada,
Britona, Penha-de-Franca,
Bardez Goa. ... Applicant

Versus

1. State of Goa
   Through Public Prosecutor,
   Hon'ble High Court of Bombay at Goa,
   Porvorim Goa.

2. Shri. Tousif Momin
   Major in age,
   R/o. F-3, 1st Floor, Darus Avenue,
   Caranzalem-Goa Respondents.

Ms Apeksha Kalokhe, Advocate for the Appellants.

Ms. Swati S Kamat Wagh, Additional Public Prosecutor for Respondent No.1 with Ms. Shibani Singh, Advocate.

Mr. Chaitanya Padgaonkar, Advocate for Respondent No.2.

CORAM : S. G. CHAPALGAONKAR, J.

DATED : 13th October, 2026.

ORDER:

1. The Appellant/victim impugns Judgment and Order dated 15.01.2026 passed by Judicial Magistrate First Class at Merces Goa, in Criminal Case No. IPC No. 348 of 2015/F whereby Respondent Accused has been acquitted of offences punishable under Sections 465, 467, 468, 471 read with 120-B of IPC vide Sections 248(i) of Code of Criminal Procedure.

2. Mrs. Swati Kamat Wagh, Learned Additional Public Prosecutor for Respondent State and Mr. Chaitanya Padgaonkar, Learned Advocates appearing for Respondent No.2, raised preliminary objection that present Appeal is not maintainable before this Court as the impugned Judgment and Order of acquittal is passed by Court of JMFC. Section 413 of BNSS 2023 provides that victim shall have right to prefer an appeal against any order passed by Court acquitting the accused and such appeal shall lie to the Court to which appeal ordinarily lies against order of conviction of such Court. In present case, the order of acquittal is passed by the JMFC, hence, Appellant has remedy to file appeal before Sessions Court.

3. Ms. Apeksha Kalokhe, Learned Advocate appearing for Appellant endeavours to contend that looking to nature of offences involved, maximum sentence may be imprisonment for life. Therefore, appeal would lie before this Court.

4. This Court finds once order of acquittal is passed by Court of the JMFC, the appeal would lie to the Sessions Court and not to this Court. In that view of the matter, criminal appeal stands disposed of with liberty in favour of Appellant to approach Sessions Court.

5. Needless to state that the time consumed in prosecuting present appeal shall be considered while counting the limitation period in case appeal is filed before Sessions Court within a period of two weeks from today.

S. G. CHAPALGAONKAR, J.

Signed by: MARIA SUZANA REBELLO
Designation: Personal Assistant
Date: 14/10/2026 19:36:44