



IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISC. APPLICATION NO.2 OF 2026

IN

CRIMINAL APPEAL NO.327 OF 2025(F)

VPK Urban Co-operative Credit
Society Ltd. Rep. by its Authorised
Representative

...Applicant

Versus

Olavio Antao

... Respondent

Mr Jatin Ramaiya with Mr Omkar Parab, Advocates for the Applicant.
Mr Laxman Pednekar, Advocate for the Respondent.

CORAM : ASHISH S. CHAVAN, J.

DATE : 15th APRIL 2026

P.C. :

1. This is an application seeking leave to appeal arising out of the accompanying appeal assailing judgment and order dated 29.01.2025 passed by the learned Additional Sessions Judge, Panaji, in Criminal Appeal bearing No.196/2023. By way of the impugned order, the Additional Sessions Judge, Panaji, has acquitted the Respondent (original accused).
2. Heard Mr Jatin Ramaiya, Advocate for the Applicant and Mr Laxman Pednekar, Advocate for the Respondent.
3. On behalf of the Applicant, twofold submissions were advanced. Firstly, that the learned Sessions Judge has erred in observing that since the

Board Resolution authorising the representative of the Applicant - Society (PW1) was not tendered in evidence and proved in accordance with law, the foundation of authority on which the entire prosecution rests is absent. The Advocate for the Applicant would urge that the Applicant - Society had on prior occasions authorised former representatives to represent the Applicant at the previous stages of the proceedings. Moreover, the Applicant had preferred an application for substitution, *inter alia*, making a reference to the Board Resolution of PW1 and the same had been allowed by the learned Trial Court. Therefore, the finding insofar as the lack of authority is concerned does not stand to reason and is not even tenable in law.

4. As against this, the Respondent herein (original accused) has defended the impugned order by submitting that unless a document is exhibited, it cannot be looked into or appreciated. Both parties have relied on case law.

5. Appreciating the rival contentions, arguable questions of fact and law arise. Hence, this is a fit case to grant leave to the Applicant to assail the impugned order by way of the accompanying Criminal Appeal. Resultantly, the leave to Appeal is granted.

6. The Criminal Misc. Application No.2/2026 is disposed of. The Registry is directed to number the Appeal.

ASHISH S. CHAVAN, J.