

Esha

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISC. APPLICATION NO.60 OF 2022

IN

CRIMINAL APPEAL NO.433 OF 2022 (F)

**THE OLD GOA URBAN COOPERATIVE
CREDIT SOCIETY LTD, THR. RECOVERY
OFFICER KAJOL A. NAIK**

... APPLICANT

Versus

KISHORE UTTAM RAUT AND ANR

... RESPONDENTS

Mr. Nilesh V. S. Shirodkar, Advocate for the Applicant.

CORAM:- BHARAT P. DESHPANDE, J.

DATED :- 2nd April, 2024

PC

Heard Mr. Shirodkar for the Applicant.

2. This is an Application for leave to file an Appeal thereby challenging the order passed by the learned Magistrate rejecting the proceedings filed under Section 138 of the N.I. Act against Respondent No. 1.

3. The complaint was rejected and Respondent No. 1 was acquitted only on the ground that the Complainant failed to prove that Respondent No. 1 was a Member of the said Society.

4. Mr. Shirodkar would submit that the Application for the grant of loan filed by Respondent No. 1 itself shows the membership

registration number as well as the terms and conditions for grant of loan. It also shows that such loan was to be granted only to the Member of the Society.

5. There is substance in the said submission advanced for the purpose of considering the grounds raised in the said Appeal thereby challenging the impugned judgment. Accordingly, leave is granted as prayed for. The Application stands allowed. Office to register the Appeal accordingly.
6. The Application stands disposed of in the above terms.

BHARAT P. DESHPANDE, J.