

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL REVISION APPLICATION NO. 30 OF 2015

SMT. SHAILAJA S. PRABHU GAONKAR,

PRESENTLY LODGED AT SUB JAIL AT

SADA, VASO DA GAMA.

... Applicant

Versus

THE VPK URBAN CO-COPERATIVE CREDIT

SOCIETY LTD., REP. BY LEGA OFFICER

MISS. RATNA S. AMONKAR.

... Respondent

Mr. Shashikant Narayan Joshi and Ms. A. Pai Bir, Advocates for the applicant.

Mr. S. G. Madkaiker, Advocate for the respondent.

Coram :- C. V. BHADANG, J.

Date :- 17th March, 2015

P.C.

The parties have produced the consent terms, which are taken on record and marked 'X' for identification. The consent terms are signed by the learned Counsel for the applicant as also the authorised representative of the respondent Credit Society and its Advocate. The contents of the consent terms are verified and the parties accept the same.

2. The Criminal Revision Application challenges the order of the learned Sessions Judge, by which, the judgment of conviction and sentence as passed by the learned Judicial Magistrate, First Class, Ponda for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 (the Act, for short) is confirmed. The parties have now settled the dispute. The applicant has deposited an amount of Rs.2,10,000/- with the respondent. The applicant further undertakes to deposit a sum of Rs.30,000/- being 15 % of the amount of cheque as per the decision of the Hon'ble Apex Court in Damodar S. Prabhu Vs. Sayed Babalal H. reported in (2010)5 SCC 663, in Goa State Legal Services Authority. In such circumstances the following order is passed :

ORDER

1. The Criminal Revision Application is allowed in terms of the consent terms marked 'X'.
2. The impugned judgment of conviction and sentence dated 09/03/2015 passed by the Sessions Judge and the impugned judgment of conviction and sentence dated 11/06/2012 passed by the learned Magistrate are hereby quashed and set aside, subject to the applicant depositing an amount of Rs.30,000/- in the Goa State Legal Services Authority, Panaji.

3. The original complaint filed by the respondent is hereby dismissed. The applicant is acquitted of the offence punishable under Section 138 of the Act.

4. The applicant, who is in custody, shall be released forthwith, if not required in connection with any other case.

3. The Criminal Revision Application is disposed of in the aforesaid terms.

Parties to act on the duly authenticated copy of the order.

C. V. BHADANG, J.

SMA