

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISC. APPLICATION NO. 76 OF 2015

IN

CRIMINAL REVISION APPLICATION NO. 34 OF 2015

SHRI VITHAL ALIAS SAMEER KAMAT,
PRESENTLY IN JUDICIAL CUSTODY SUB
JAIL, SADA VASCO, GOA.

... Applicant

Versus

THE PIRNA URBAN CO-OPERATIVE
SOCIETY LIMITED, THROUGH ITS
GENERAL MANAGER MR.AMIT PARULEKAR
AND ANR.

... Respondent

Mr. Rohan Pandurang Dessai, Advocate for the applicant.

Coram:- C. V. BHADANG, J.

Date:- 30th March, 2015

P.C.

Heard.

2. The applicant has been convicted for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 and has been sentenced to undergo Simple Imprisonment for two months and to pay compensation of Rs.60,000/- and in default, to undergo Simple Imprisonment for two months.

3. It is submitted by the learned Counsel for the applicant that although the liability is not disputed, the defence of the applicant was that the signatory to the complaint had no authority to file the complaint on behalf of the first respondent. That defence has been negatived both by the learned Magistrate and the learned Sessions Judge. The learned Counsel also submits that the applicant is willing

to deposit the amount of compensation within a period of one week.

In such circumstances, the following order is passed :

(i) The substantive sentence of imprisonment is hereby suspended, pending disposal of the appeal, on condition of the applicant furnishing P. R. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

(ii) The applicant shall also deposit the amount of Rs.60,000/- awarded as compensation before this Court, within a period of one week.

(iii) Bail before the Sessions Judge.

4. The application stands disposed of.

C. V. BHADANG, J.

SMA