

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL REVISION APPLICATION NO. 40 OF 2014

SHRI SANJAY TRIVEDI

... Petitioner

Versus

SHRI DAMODAR SHRIKANT NAIK AND
ANR.,

... Respondents

Shri C.A. Ferreira with Ms. R. Almeida, Advocates for the Petitioner.

Shri Hanumant D. Naik, Advocate for the Respondent No. 1.

CORAM:- C. V. BHADANG, J.

DATE : 29th JUNE, 2015

P.C:

The parties have filed an application for compounding under Section 147 of the Negotiable Instruments Act, 1881.

2. The petitioner was convicted of the offence punishable under Section 138 of the N.I. Act and was sentenced accordingly by judgment and order dated 31.08.2013, passed by the learned Magistrate in Criminal Case No. 92/OA/NI/2011/II. That has been

confirmed in appeal by judgment and order dated 24.06.2014, passed by the learned Additional Sessions Judge, South Goa, Margao, which is the subject matter of challenge in this revision application.

3. The parties have arrived at an amicable settlement and the petitioner has deposited the entire amount of compensation of Rs.1,90,000/- (Rupees One Lakh Ninety Thousand only), before the Additional Sessions Judge, South Goa, Margao. The petitioner undertakes to deposit the amount with the State Legal Services Authority, in accordance with the judgment of the Hon'ble Supreme Court in the case of in the case of **Damodar S. Prabhu Vs. Sayed Babalal H.**, reported in **(2010) 5 SCC 663**, within three weeks. The parties, therefore, pray for permission to compound the offence. The application is signed by the petitioner and the first respondent, who are present before the Court and they admit the correctness of the contents.

4. In such circumstances, the following order is passed:

(a) The Criminal Revision Application No. 40/2014 is accordingly allowed.

(b) The parties are permitted to compound the offence.

(c) The impugned judgment and order of conviction and sentence dated 31.08.2013, passed by the learned Magistrate in Criminal Case No. 92/OA/NI/2011/II, which has been confirmed by the learned Additional Sessions Judge by judgment and order dated 24.06.2014, in Criminal Appeal No. 128/2013, are hereby set aside.

(d) The complaint filed by the first respondent is hereby dismissed.

(e) The petitioner is acquitted of the offence punishable under Section 138 of the N.I. Act.

(f) The bail bonds of the petitioner stand cancelled.

(g) The first respondent is permitted to withdraw the amount of Rs.1,90,000/- along with interest, if any, deposited before the Additional Sessions Court, Margao.

5. The revision application stands disposed of in aforesaid terms, with no order as to costs.

C. V. BHADANG, J.

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