

IN THE HIGH COURT OF BOMBAY AT GOA**Criminal Misc. Application No.174 of 2015**
IN**CRIMINAL REVISION APPLICATION NO. 59 OF 2015**

ANAND KUSTA KURTIKAR, PRESENTLY
LODGED IN SADA JAIL, VASCO, THR.
MRS.ARTI ANAND KURTIKAR. ... PETITIONER

Versus

PONDA URBAN CO-OPERATIVE SOCIETY
LTD., REPRESENTED BY ITS MANAGER
MR. RAGHUVIR VAST AND ANR., ... RESPONDENTS

Shri. Jagannath Jayant Mulgaonkar, Advocate for the Petitioner.

Coram:- C. V. BHADANG, J.
Date:- 23rd July, 2015

P.C.:

By this revision application the petitioner is challenging his conviction under section 138 of the Negotiable Instruments Act. The petitioner has been sentenced to undergo simple imprisonment for a period of two months and to pay compensation to the respondent no.1/complainant of Rs.1.00 lakh and in default to undergo simple imprisonment for a period of 20 days. The petitioner and the respondent no.1 have today filed an application for compounding of the offence. It is signed by Shri Raghuvir Shamsundar Vasta, the Branch Manager of the respondent no.1/bank, who is personally present in the Court. It is submitted that the petitioner had paid the total amount of Rs.70,000/- (Rupees Seventy thousand only) to the respondent no.1 till the decision of the appeal. The balance amount of

Rs.30,000/- (Rupees thirty thousand only) has also been deposited with the respondent no.1. The representative of the respondent no.1 has acknowledged the receipt of the payment of Rs.30,000/- in his Affidavit filed along with the application.

2. The petitioner has also deposited an amount of Rs.15,000/- with the Goa State Legal Services Authority in terms of the directions issued by the Hon'ble Supreme Court in the case of Damodar S. Prabhu Vs. Syed Babalal H., reported in 2010 (5) SCC 663.

3. The Branch Manager of the respondent no.1 admits the correctness of the contents of the application for compounding.

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

(i) The permission for compounding the offence under section 138 of the N.I. Act is granted.

(ii) Consequently the impugned judgment of conviction and sentence passed by the learned Magistrate and confirmed by the learned Sessions Judge is hereby quashed and set aside.

(iii) The complaint filed by the respondent no.1 is hereby dismissed. The petitioner is hereby acquitted of the offence punishable under section 138 of the N.I. Act.

(iv) The petitioner is in custody. He be set at liberty forthwith, if not required in connection with any other case.

5. The criminal revision application is disposed of in the aforesaid terms with no order as to costs.

C. V. BHADANG, J.

Ap/-