

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISC. APPLICATION NO. 220 OF 2014

IN

STAMP NUMBER MAIN NO. 2534 OF 2014

SHRI. MANGUESH SINGBAL, PROPRIETOR
OF SINGBAL ASSOCIATES REP. BY HIS
WIFE SMT. RUPA M. SINGBAL.

... Applicant

Versus

STATE THR PP AND ANR.

... Respondent

Mr. A. D. Bhobe and Ms. V. Shetye, Advocates for the applicant.

Mr. R. G. Ramani, Advocate for respondent no.2.

Coram:- C. V. BHADANG, J.

Date:- 15th April, 2015

P.C.

Heard Shri Bhobe, the learned Counsel for the applicant and
Shri Ramani, the learned Counsel for the respondent no. 2.

2. On hearing the learned Counsel for the parties, I do not find that the present application can be entertained. The applicant was convicted for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 (the Act, for short) for dishonour of a cheque in the sum of Rs.15,68,000/-. That was challenged by the applicant in appeal before the learned Sessions Judge. At this stage, the matter was referred to Lok Adalat on 23/11/2013 and the parties arrived at a settlement. Now the applicant / original accused wants to

challenge the same by filing Revision Application, in which there is delay of 223 days.

3. On 27/03/2015, this Court has noted that in the face of the provisions contained in Section 21 of Legal Services Authority Act, 1987, the award passed by the Lok Adalat is not open to challenge. Thus, when the main proceedings itself are not maintainable, the application for condonation of delay cannot evidently be considered favourably.

4. However, the learned Counsel for the applicant submits that an amount of Rs.5,75,000/- has been paid to the respondent no. 2 and an amount of Rs.5,00,000/- is deposited in this Court, totalling to Rs.10,75,000/-. It is further submitted that the applicant is willing to deposit the remaining amount within a period of two months.

5. Shri Ramani, the learned Counsel for the respondent no. 2 fairly submits that the respondent no. 2 is willing to give time to the applicant to deposit the amount, inasmuch as, substantial amount has already been recovered/ deposited. The only anxiety expressed on behalf of the applicant is a non-bailable warrant issued by the learned Magistrate at the instance of the respondent no.2. It is submitted that in view of the fact that the respondent no.2 is agreeable to grant time of two months to the applicant to deposit the remaining amount, the respondent no.2 will not insist for issuance/ execution of the

non-bailable warrant for the said period of two months from today.
Subject to this statement being recorded, this application is
dismissed, with no order as to costs.

6. The amount of Rs.5,00,000/- along with interest, if any,
deposited in this Court, shall be paid to the respondent no.2.

C. V. BHADANG, J.

SMA