

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO. 124 OF 2015

NILESH VASUDEV NAIK, REP. THR.
NEXT FRIEND MRS.SARITA NILESH
NAIK.

... Petitioner

Versus

THE SHIRODA URBAN CO-OPERATIVE
CREDIT SOCIETY LTD., REP.
R/OFFICER SHRI LALDAS DEU SAWANT
AND ANR.,

... Respondents

Mr. Preetam Talaulikar, Advocate for the petitioner.
Mrs. M. Pinto, Addl. Public Prosecutor for the respondent no.2.
Mr. P. Arolkar, Advocate for respondent no.1.
Branch Manager of respondent no.1 present in person.

Coram:- K. L. WADANE, J.

Date:- 16th September, 2015

P.C.

The petitioner who is an accused was charged under Section 138 of the Negotiable Instruments Act and sentenced to undergo simple imprisonment for a period of six months and to pay compensation of Rs.70,000/-. The accused and the original complainant have arrived at compromise and submitted the consent terms before this Court. The complainant and the petitioner are duly identified by their respective counsel. The consent terms are taken on record and marked 'X' for identification. From the consent terms, it appears that the entire amount under the cheque was paid to the original complainant. The authorised officer of the concerned bank who is present before this Court has duly signed the consent terms.

2. Hence, in view of the consent terms, the present Writ Petition is allowed. The conviction and sentence imposed upon the accused by the learned Judicial Magistrate First Class, Ponda in Criminal Case No. 865/OA/NIA/2010/C is hereby set aside. His bail bond stands cancelled.

3. In view of the above, the concerned Prison Authority is directed to release the petitioner/accused forthwith.

4. The petition stands disposed of accordingly.

K. L. WADANE, J.

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