

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL APPLICATION (MAIN) NO. 5 OF 2016

SHRI.NARAYAN SAJU NAIK, PRESENTLY
IN SUB-JAIL SADA, VASCO, THR. HIS
WIFE MRS.SUBHADRA N. NAIK.

... Applicant

Versus

THE VPK URBAN CO-OP CREDIT SOCIETY
LTD., REP. BY ITS SHRI.AJAY ANANT
KUNCOLKAR AND ANR.,

... Respondents

Mr. Deepak Gaonkar, Advocate for the Applicant.
Mr. Sudesh Naik, Advocate for the Respondent No. 1.
Mr. S.R. Rivankar, Public Prosecutor for the Respondent No. 2.

Coram:- S. B. SHUKRE, J.

Date:- 8th January, 2016

P.C:

The learned Counsel for the applicant and respondent no. 1 are present. The learned Public Prosecutor is also present on behalf of respondent no. 2/State.

2. The complainant i.e. respondent no. 1 and the accused i.e. the applicant have settled the dispute out of Court and both of them have filed on record the consent terms of the settlement. The learned Public Prosecutor has no objection for compounding the matter.

3. Perusal of the consent terms discloses that the matter has been compromised and compounded between these parties. Having regard to the settlement between the parties, the offence with which the accused/applicant is charged herein is declared to be compounded.

Accordingly, the accused/applicant is acquitted of the offence punishable under Section 138 of the Negotiable Instruments Act, on condition that the applicant shall deposit 15% of the cheque amount of Rs.1,00,000/- with Goa State Legal Services Authority, within a period of one week from the date of the order. The accused/applicant is in jail and therefore, he shall be set at liberty forthwith.

4. Authenticated copy of the order be furnished to the parties.

5. The application is disposed of.

S. B. SHUKRE, J.

EV