

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL REVISION APPLICATION NO. 24 OF 2015

MR. REMY RODRIGUES.

... Petitioner

Versus

M/S. ALCON RESORT HOLDINGS
LIMITED, REP. BY ITS FINANCE
CONTROLLER MR. ROQUE RODRIGUES AND
AND.,

... Respondent

Mr. Nilesh V. S. Shirodkar, Advocate for the applicant.
Mr. Shivan Dessai, Advocate for the respondent no.1.

Coram:- S. B. SHUKRE, J.

Date:- 23rd February, 2016

P.C.

Heard.

2. After this Revision Application was filed before this Court, the applicant, who is the accused and who has been found guilty of offence punishable under Section 138 of Negotiable Instruments Act and who has been sentenced to undergo sentence till rising of the Court together with a direction to pay to the complainant compensation of Rs.1,20,000/- and the respondent no.1, the original complainant have compounded the offence. Therefore, both of them have filed a joint application under Section 147 of Negotiable Instruments Act for treating the offence as compounded.

3. Learned Counsel for the applicant and learned Counsel for the respondent no.1 are present. The accused i.e. the applicant as well as the authorised representative of respondent no.1- complainant, Ms. Cleusa Naik are present in person and both of them endorsed to the

terms of the joint application filed for compounding of the offence. They agreed that the offence be treated as compounded. The applicant is ready to deposit additional amount with the Goa State Legal Services Authority as a part of the compounding of the offence process.

4. In view of the statements made before this Court as well as those appearing in the joint application filed for compounding of offence and having regard to the willingness of the applicant to also pay additional amount, the Revision Application is allowed. The Impugned judgment and order are quashed and set aside. Offence punishable under Section 138 of Negotiable Instruments Act is treated as compounded with the terms mentioned in the joint application filed for compounding of offence, subject to the condition that the accused i.e. the applicant shall deposit with the Goa State Legal Services Authority, Panaji, Goa an amount which is equivalent to 10 % of the amount of compensation of Rs.1,20,000/- latest by 9th March, 2016. The applicant is, therefore, acquitted of the offence punishable under Section 138 of Negotiable Instruments Act.

5. The Revision Application is disposed of in the above terms.

S. B. SHUKRE, J.

SMA