

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO. 84 OF 2015

SHRI VINAYAK B. CHIMULKAR.

... Petitioner

Versus

THE BICHOLIM URBAN CO-OP. BANK
LTD., THROUGH ITS MANAGER SHRI
SANJAY BHOBE AND ANR.,

... Respondents

Mr. Vibhav Rajiv Amonkar, Advocate for the Petitioner.
Mr. R. G. Ramani, Advocate for Respondent No. 1.

Coram:- C. V. BHADANG, J.

Date:- 22nd August, 2016

P.C:

The parties have filed an application for leave to compound the offence.

2. The petitioner has been convicted for the offence punishable under Section 138 of the negotiable Instruments Act and has been sentenced to undergo imprisonment till the rising of the Court and to pay compensation of Rs.29,51,641/- and in default to undergo sentence of simple imprisonment for a period of two months. That, order has been confirmed in appeal.

3. The application is signed by the parties and their Counsel. The petitioner has deposited an amount of Rs.3,00,000/- with the Goa State Legal Services Authority in compliance with the judgment of the Supreme Court in the case of DAMODAR S. PRABHU VS.

SAYED BABALAL H., (2010) 5 SCC 663.

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

- (a) Leave to compound the offence, is granted.
- (b) The impugned judgment of conviction and sentence passed by the learned Magistrate, and the judgment passed by the learned Sessions Judge, are hereby set aside.
- (c) The petitioner is acquitted of the offence punishable under Section 138 of the Negotiable Instruments Act.
- (d) His bail bonds stand cancelled.
- (e) The Criminal Writ Petition is disposed of in the aforesaid terms.

C. V. BHADANG, J.

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