

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL MISC. APPLICATION NO. 132 OF 2016
IN
CRIMINAL REVISION APPLICATION NO. 31 OF 2016

MRS. ANTONETTE P. FERNANDES. ... Applicant
Versus
MR. AVADHOOT M. DESHPANDE, THR.
HIS POA MR. RAVINDRA L. PALYEKAR
AND ANR. ... Respondent

Mr. Ashwin D. Bhobe with Mr. Nilesh Martins, Advocates for the Applicant.
Ms. Sulekha S. Kamat, Advocate for Respondent No. 1.

Coram:- C. V. BHADANG, J.

Date:- 26th July, 2016

P.C:

The applicant has been convicted for the offence punishable under Section 138 of the Negotiable Instruments Act and has been sentenced to simple imprisonment of one month and to pay compensation of Rs.3,15,000/- and in default of payment of compensation, to undergo further imprisonment for a period of one year. The said judgment and order has been confirmed in appeal by the learned Sessions Judge.

2. As per the case of the applicant, the amount is received by the husband of the applicant, as such, the subject cheque cannot be said to have been issued towards a legally enforceable debt or liability. It is submitted that in respect of the partnership firm, there is some

discrepancy as to the name of the said partnership firm.

3. Considering the fact that the applicant was all along on bail and the compensation is also deposited, the substantive sentence of imprisonment is suspended, subject to the applicant furnishing a P.R. bond in the sum of Rs.15,000/- with one or two solvent sureties in the like amount. Bail to be furnished before the learned Sessions Judge.

C. V. BHADANG, J.

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