

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL MISC. APPLICATION NO. 134 OF 2016
IN
CRIMINAL REVISION APPLICATION NO. 34 OF 2016

MR. MAHESH VITHAL FADTE. ... Applicant
Versus
THE BAHTAGRAM URBAN CO-OP. CREDIT
SOCIETY LTD., REP BY ITS CHAIRMAN
SHRI. SANJAY GAJANAN PARMEKAR. ... Respondent

Mr. Anthony Joe D'silva, Advocate for the applicant.

Coram:- C. V. BHADANG, J.

Date:- 14th July, 2016

P.C.

Heard.

2. It is submitted that PW1 had admitted that on the date of the cheque i.e. on 19/07/2013, the outstanding amount was only Rs.55,000/-. It is submitted that thus, the Courts below were in error in finding that the cheque, which was for an amount of Rs.1,00,000/-, was issued in discharge of a legally enforceable debt or liability. The learned Counsel submits that out of the total compensation of Rs.1,10,000/-, the applicant has deposited Rs.30,000/- before the learned Sessions Judge. The learned Counsel submits that the applicant shall deposit Rs.25,000/- within a period of one week from today.

3. The statement is accepted.

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

(i) The application is allowed.

(ii) The substantive sentence of imprisonment is hereby suspended,
until further order.

(iii) The applicant shall be released on bail on executing a
P. R. Bond in the sum of Rs.15,000/-, with one solvent
surety in the like amount.

(iv) The applicant shall deposit Rs.25,000/- before this Court,
within a period of one week.

(v) Bail bonds to be furnished before the learned Sessions Judge.

(vi) In the event of breach of any of the conditions, the order
is liable to be recalled.

(vii) The applicant to act on the authenticated copy of the order.

C. V. BHADANG, J.

SMA