

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL REVISION APPLICATION NO. 3 OF 2016

SHRI. ROHIDAS HARISCHANDRA
PADLOSKAR.,

... Petitioner

Versus

SHRI. DEVENDRA VAMAN REVANKAR &
ANR.,

... Respondents

Mr. G. Shirodkar, Advocate for the applicant.

Mr. Deepak Gaonkar, 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 Simple Imprisonment for a period of one month together with a direction to pay to the complainant compensation of Rs.2,20,000/- 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 complainant i.e. the respondent no.1 are also present in person and both of them endorsed to the terms stated in the joint application

filed for compounding of the offence. They agreed that the offence be treated as compounded.

4. In view of the statements made before this Court as well as those appearing in the joint application filed for compounding of offence, 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 in the terms mentioned in the joint application filed for compounding of offence and the applicant is acquitted of the offence punishable under Section 138 of Negotiable Instruments Act. The respondent no.1 is permitted to withdraw the amount of Rs.2 Lakhs out of the amount of Rs.2,20,000/- deposited before the Sessions Court in Criminal Appeal No.100/2012 as agreed by him and the applicant. Remaining amount of Rs.20,000/- is directed to be refunded to the applicant. The amount of Rs.30,000/- deposited with the Registrar of this Court by Demand Draft dated 07/01/2016 bearing No.224460 drawn on State Bank of India in favour of the Registrar, High Court, Panaji Bench shall be transferred to the account of Goa State Legal Services Authority, Panaji, Goa.

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

S. B. SHUKRE, J.

SMA