

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL REVISION APPLICATION NO. 16 OF 2017

MR. ANTHONY AGNELO D'COSTA,
PRESENTLY IN CENTRAL JAIL
COLVALE.,

... Petitioner

Versus

MR. PRAKASH RAMACHANDRA GHADIWADAR
AND ANR.,

... Respondents

Mr. S. Shet, Advocate for the petitioner.

Petitioner present.

Respondent no.1 present in person.

Mr. S. R. Rivankar, Public Prosecutor for the respondent no.2.

Coram:- PRITHVIRAJ K. CHAVAN, J.

Date:- 24th July, 2017

P.C.

The petitioner has challenged the judgment and order of conviction by which he was sentenced to suffer simple imprisonment for one month and to pay compensation of Rs.2,00,000/- and in default to undergo simple imprisonment for three months which was maintained by the lower Appellate Court by modifying the amount of compensation to the extent of Rs.1,50,000/-.

2. It is submitted that the petitioner has already deposited an amount of Rs.1,50,000/- in the Sessions Court. Today the petitioner and the respondent no.1 have filed consent terms and have sought leave of the Court to compound the offence punishable under Section 138 of the Negotiable Instruments Act

{for short "NIA"}. The Consent terms which are signed by both the petitioner and the respondent no.1 are duly identified by the learned counsel for the petitioner. The consent terms are taken on record and marked "X" for identification.

3. Since the parties have amicably settled the dispute, permission to compound the offence punishable under Section 138 of the NIA is granted subject to deposit of 15% of cheque amount in favour of Goa State Legal Services Authority, Panaji, in view of Apex Court Judgment reported in (2010)5 SCC 663 in the case of Damodar.S. Prabhu vs Sayed Babalal H. Consequently, conviction of the petitioner is quashed and set aside and is acquitted of the offence punishable under Section 138 of the NIA. The respondent no.1 is at liberty to withdraw the amount deposited in the Sessions Court.

4. Petition stands disposed of accordingly.

PRITHVIRAJ K. CHAVAN, J.