

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISC. APPLICATION NO. 91 OF 2017

IN

STAMP NUMBER MAIN NO. 803 OF 2017

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

... Applicant

Versus

MR. PRAKASH RAMACHANDRA GHADIWADAR
AND ANR.,

... Respondents

Mr. Siddesh Shet, Advocate for the Applicant.
Mr. Mahesh Amonkar, Additional Public Prosecutor for
Respondent No. 2.
Respondent No. 1 is present in person.

Coram:- C. V. BHADANG, J.

Date:- 17th March, 2017

P.C:

This is an application for condonation of delay in filing the Criminal Revision Application. The delay is said to be of 578 days.

2. The applicant, who was an accused in complaint under Section 138 of the Negotiable Instruments Act was convicted by the learned Magistrate and was sentenced to undergo simple imprisonment for a period of one month and to pay fine of Rs.2,00,000/- and in default to undergo simple imprisonment for three months. In an appeal filed by the applicant, the Appellate Court while maintaining the substantive sentence of

imprisonment has modified the amount of compensation to Rs.1,50,000/-.

3. Insofar as the delay is concerned, it is contended on behalf of the applicant that the applicant was not aware of passing of the judgment in the appeal, as the Counsel had not informed about the same. It is contended that the delay is not intentional. The learned Counsel for the applicant states that the applicant shall deposit the amount of compensation of Rs.1,50,000/-.

4. It appears that the applicant has been arrested and is presently in jail. Respondent no. 1, is the original complainant, appears in person.

5. I have heard the learned Counsel for the applicant and respondent no. 1 in person. Although there is substantial delay, considering the fact that the applicant was not aware of the passing of the judgment and for the reasons as stated in the application and also that the applicant is ready and willing to deposit the amount of compensation, the delay is condoned. Let the Criminal Revision Application be registered.

C. V. BHADANG, J.

EV