

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL APPLICATION (MAIN) NO. 113 OF 2017

MR. DATTARAM ANAND SHIRODKAR., ... Applicant

Versus

**THE VIVIDHA URBAN CO-OP CREDIT
SOCIETY LTD., REP. BY MR. SUNIL
LAXMAN NARVEKAR AND ANR.,** ... Respondents

Mr. Deepak Gaonkar, Advocate for the Applicant.

Mr. Ashwin D. Bhobe, Advocate for the Respondent No. 1.

Coram:- C. V. BHADANG, J.

Date:- 6th September 2017

P.C:

By this application, the applicant is challenging the order dated 14.11.2016, passed by the Additional Sessions Judge, Mapusa in Criminal Revision Application No.34/2015. By the impugned order, the learned Sessions Judge has dismissed the appeal filed by the applicant, in default.

2. The applicant has been convicted for the offence punishable under Section 138 of the Negotiable Instruments Act and has been sentenced to suffer simple imprisonment till the rising of the Court and to pay compensation of Rs.2,50,000/- and in default to undergo simple imprisonment for four months.

3. Since after filing of this application, the applicant has

deposited Rs.30,000/- before the learned Sessions Judge and has deposited Rs.35,000/- with the respondent no. 1. The remaining amount of Rs.1,85,000/- has also been deposited by the applicant with the respondent no. 1.

4. In such circumstances and by consent of parties, the following order is passed:

O R D E R

- (a) The application is allowed.
- (b) The impugned order dated 14.11.2016, is hereby set aside.
- (c) The Criminal Revision Application No. 34/2015, is restored back to the file of the learned Sessions Judge.
- (d) The order of suspension of sentence also stands restored.
- (e) It would be open to the parties to file an application for compounding before the learned Sessions Judge. If, such an application is filed, the learned Sessions Judge shall decide the same on its own merits and in accordance with law.
- (f) The amount of Rs.30,000/- lying before the learned Sessions Judge shall be paid to the respondent no. 1.
- (g) Parties to appear before the learned Sessions Judge on 18.09.2017 at 10:00 a.m.

C. V. BHADANG, J.

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