

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL REVISION APPLICATION NO. 32 OF 2014

SHRI. TRIVENDRA NAIK THR. HIS
FRIEND SMT. PREETA TRIVENDRA NAIK ... Petitioner

Versus

STATE OF GOA THROUGH THE PUBLIC
PROSECUTOR AND ANR., ... Respondents

Shri R. Kantak, Advocate holding for Shri Gaurish N. Agni,
Advocates for the petitioner.
Shri Vinayak Gurudas, Advocate for the respondent no.2.

Coram:- PRITHVIRAJ K. CHAVAN, J.

Date:- 13th November 2017

P.C.

The petitioner was convicted by learned Judicial Magistrate First Class on 11.1.2013 of the offence punishable under Section 138 of the Negotiable Instruments Act(for short "NIAct") and was sentenced to undergo simple imprisonment of two months and to pay compensation of Rs.1,00,000/- to the complainant against which an appeal came to be filed by the petitioner which also came dismissed by the learned Additional Sessions Judge, South Goa, Margao on 19.7.2014. The petitioner has preferred this Revision Petition, wherein, today the respective parties have entered into an amicable settlement out of the Court. Terms of settlement are tendered on record which are marked "X" for identification. The petitioner and respondent no.2 have settled

the dispute on lumpsum amount of Rs.1,00,000/- which has been paid to the respondent no.2 by a demand draft dated 6.11.2017 drawn on Federal Bank in favour of respondent no.2.

2. It is submitted on behalf of the petitioner that he is entitled to withdrawn an amount of Rs.50,000/- deposited in the Court of learned Sessions Judge on 22.4.2013 in Criminal Appeal No.17/2013. He is also entitled to withdraw Rs.50,000/- deposited in the office of this Court on 21.7.2014 in CRMA No.144/2014 in Criminal Revision Application No.32/2014.

3. The respondent no.2 has no objection.

4. The petitioner is entitled to withdraw the amount deposited in the Sessions Court. The petitioner is further entitled to withdraw the amount deposited in this Court after deduction of 15% of the cheque amount by way of costs in favour of Goa State Legal Services Authority in view of the Judgment of the Hon'ble Supreme Court reported in (2010) 5 SCC 663 in the case of Damodar Prabhu Vs. Sayed Babalal H. After deducting 15% of the cheque amount from Rs.50,000/- the balance amount shall be paid to the petitioner.

5. Since offence is compounded, the petitioner is acquitted of the offence punishable under Section 138 of the NIAct. His bail

bond stands cancelled.

6. Revision Petition stands disposed of.

PRITHVIRAJ K. CHAVAN, J.

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