

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL REVISION APPLICATION NO. 25 OF 2016

MR. RUKMANGAD DHANE, PRESENTLY IN
JUDICIAL CUSTODY AT SADA , VASCO
THR. HIS FRIEND MR. SAEESH DHANE. ... Petitioner
Versus
MR. NILESH NILKANT WALKE AND ANR. ... Respondent

Mr. Austin Fernandes, Advocate for the applicant.
Ms. A. Lobo, Advocate for respondent no.1.

Coram:- C. V. BHADANG, J.

Date:- 24th January, 2017

P.C.

Heard the learned Counsel for the parties.

2. The applicant was convicted for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 (the Act, for short) and was sentenced to undergo Simple Imprisonment for a period of 2 months and to pay compensation of Rs.3 Lakhs. The judgment of conviction and sentence was confirmed by the learned Sessions Judge in appeal. Hence, this Revision Application.

3. The applicant and respondent no.1 had filed an application for compounding of the offence. On 26/10/2016, after verification of the terms, this Court had directed the applicant to deposit an amount of Rs.45,000/- (15% of the amount of cheque) before the Goa State Legal Services Authority in compliance with the decision of the Supreme Court in DAMODAR S.

PRABHU VS. SAYED BABALAL H.; [(2010)5 SCC 663], on or before 30/11/2016. By an order dated 22/11/2016, time was extended upto 05/01/2017. The record shows that the amount has been deposited by way of a demand draft with the Goa State Legal Services Authority.

4. In such circumstances, the following order is passed :

- (i) Revision Application is allowed.
- (ii) The impugned judgment of conviction and sentence is hereby set aside.
- (iii) The applicant is acquitted of the offence punishable under Section 138 of the Act.
- (iv) His bail bonds are cancelled.
- (v) Respondent no.1 is allowed to withdraw the amount deposited before this Court and the Sessions Court.

C. V. BHADANG, J.

SMA