

IN THE HIGH COURT OF BOMBAY AT GOA.

**CRIMINAL MISCELLANEOUS APPLICATION NOS.196/2017,
194 OF 2017 WITH STA NO.2526 OF 2017**

AND

**CRIMINAL MISCELLANEOUS APPLICATION NOS. 197/2017
AND 195/2017 WITH STA NO.2525 OF 2017.**

IN

**CRIMINAL REVISION APPLICATION NO.45 OF 2015 AND 44
OF 2015.**

**Shri Chindamada Ramu Appanna,
currently in Judicial Custody,
thr. Mr. Blase Mota.**

.... Applicant.

Vs.

Mr. Alivio Faria and anr.

.... Respondents.

Mr. Shailendra Singh with Ryan Menezes, Advocates for the petitioner.

Mr. Prasad Desai, Advocate for the respondent no.1.

Respondent no.1 present.

None for the respondent no.2.

Coram:-PRITHVIRAJ K. CHAVAN,J.

Date :4th August, 2017.

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Heard learned Counsel for the respective parties.

2. Parties have compromised the matter amicably and seeks permission of this Court to compound the offence. Consent terms are duly signed by the parties and their respective Advocates on record which is marked "X" for identification.

3. It appears from the recitals of the terms of settlement that an amount of Rs.3,00,000/- (rupees three lakhs only) has been paid through Demand Draft to the respondent no.1 as a consolidated settlement.

4. As such, permission to compound the offence is accorded and consequently, the applicant is acquitted of the offence punishable under Section 138 of the Negotiable Instruments Act. The Judgment and order of conviction passed by the learned JMFC in Criminal Case Nos. 30/OA/NI/2010/B and 31/OA/NI/2010/B and confirmed by Additional Sessions Judge by judgment dated 15.4.2015 in Criminal Appeal Nos. 26/2012 and 27/2012 are hereby quashed and set aside. The applicant shall deposit 15% of the amount of cheque in favour of Goa State Legal Services Authority, Panaji in view of the judgment of the Hon'ble Supreme Court in case of ***Damodar Prabhu Vs. Sayed Baburao, 2010(5) SCC 663.***

6. Upon deposit of the said amount the applicant shall be released from the Judicial Custody, if not required in any other case.

7. The amount of Rs.1,75,000/- and two FDR of Rs.10,000/- each deposited before the District Sessions Court, South Goa in the

said two appeals are directed to be paid to respondent no.1
alongwith accrued interest.

8. In view of the above, all the applications stand disposed
of accordingly.

PRITHVIRAJ K. CHAVAN,J.

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