

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL REVISION APPLICATION NO. 33 OF 2017

MR. SURESH VINAYAK MORAJKAR,
PRESENTLY AT SADA JAIL VASCO.,

... Petitioner

Versus

MRS. MOGA SUDHAKAR GAONKAR AND
ANR.,

... Respondents

Mr. Jatin Ramaiya, Advocate for the Petitioner.

Mr. Ryan Da Piedade Menezes, Advocate under Legal Aid
Scheme for the Respondent No. 1.

Coram:- C. V. BHADANG, J.

Date:- 15th June, 2017

P.C.

Not on Board. Taken on Board.

2. Heard the learned Counsel for the parties.

3. The applicant is the original accused. The respondent no. 1 had filed a complaint under Section 138 of the Negotiable Instruments Act, against the applicant in which, the applicant has been convicted and sentenced accordingly.

4. The applicant challenged the same in Criminal Appeal No. 18/2012. On 08.07.2015, the learned Sessions Judge at Margao dismissed the appeal, as there was no appearance on behalf of the

applicant. After the dismissal of the appeal, the applicant has been taken in custody. The applicant is challenging the order dated 08.07.2015 passed by the learned Sessions Judge.

5. I have heard the learned Counsel for the applicant and the learned Counsel for the respondent no. 1. The parties submit that the entire amount of cheque has been paid to the respondent no. 1. The parties also submit that they have settled the dispute amicably and would file appropriate application before the learned Sessions Judge. The learned Counsel for the respondent no.1 has no objection to restore the appeal.

6. In such circumstances, the Criminal Revision Application is allowed. The impugned order is hereby set aside. The Criminal Appeal is restored on the file of the learned Sessions Judge at Margao for disposal in accordance with law.

7. Parties to appear before the learned Sessions Judge on 20/06/2017 at 2.30 p.m. Liberty granted to the applicant to apply for suspension of sentence.

C. V. BHADANG, J.

SMA