

Andreza

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL MISC. APPLICATION NO.301 OF 2017
IN
CRIMINAL REVISION APPLICATION NO.68 OF 2017

Virendra Dabholkar

... Applicant

V e r s u s

Santosh Putu Naik & anr.

... Respondents

Shri S. Shet, Advocate for the Applicant.

Coram:- NUTAN D. SARDESSAI, J.

Date: 13 December 2017

P.C.

Heard Shri S. Shet, learned Advocate for the Applicant. It is his contention that his Appeal came to be dismissed by the learned Addl. Sessions Judge, South Goa, Margao on account of non-prosecution as on 04.09.2017. Another learned Single Judge of this Court was seized of the revision proceedings when notice was ordered to be issued returnable on 06.12.2017 and oral directions were issued to move the learned JMFC for appropriate relief in the nature of cancellation of non bailable warrant. He had accordingly moved before the learned JMFC who rejected his application vide the Order 28.11.2017. Shri Shet, learned Advocate for the Applicant also pointed out to the fact that an amount of ₹60,000/- was deposited in the Court of the JMFC, Margao on 12.12.2017 being 50% of the amount of the cheque unlike the

amount of ₹1,50,000/- awarded as compensation by the learned JMFC. In the circumstances, he prayed for the suspension of the sentence and more particularly the issuance of the non-bailable warrant against him.

2. Considering that the Applicant has preferred the revision challenging the order of the learned Addl. Sessions Judge-2, Margao, which is at large before this Court and that the learned JMFC has not considered his request for cancellation of bail as this Court is seized of this matter and in the interest of justice; the operation of the sentence is suspended and the Applicant is ordered to be enlarged on bail on executing a bail bond in the amount of ₹10,000/- and one local surety in the same amount to the satisfaction of the learned JMFC, Margao.

3. The Applicant shall also deposit the balance amount of the compensation i.e. ₹90,000/- in this Court within a week from today.

4. In these terms, the application stands disposed off.

NUTAN D. SARDESSAI J.