

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL REVISION APPLICATION NO. 62 OF 2016

MR. RAJENDRA @ RAJ BILIYE,
PRESENTLY IN JUDICIAL CUSTODY AT
SUB JAIL SADA VASCO.,

... Petitioner

Versus

MR. ATISH LOTLIKAR AND ANR.,

... Respondents

Mr. R. Desai, Advocate for the petitioner.

Mr. A. C. Costa, learned Counsel for the respondent no.1.

Coram:- PRITHVIRAJ K. CHAVAN, J.

Date:- 10th July, 2017

P.C.

Shri R. Desai, learned Counsel appearing for the petitioner and Mr. A. C. Costa, learned Counsel for the respondent no.1 submit that matter has been amicably settled between the parties in view of the consent terms already tendered on record which are signed by the respective parties and the Counsel.

2. The petitioner has been convicted by the JMFC, Margao by holding him guilty for the offence punishable under Section 138 of the Negotiable Instruments Act 1881 and was sentenced to undergo Simple imprisonment for three months and to pay compensation of Rs.1,10,000/-.

3. Learned Additional Sessions Judge by order dated 23.11.2016 dismissed the appeal against which the present Criminal Revision Application has been preferred on various

grounds.

4. The amount of cheque dishonoured was to the tune of Rs.76,500/-. The petitioner has deposited Rs.1,10,000/- in this Court by way of demand draft. The petitioner thereafter sought three weeks time to deposit a sum of Rs.11,475/- being 15% of the amount of cheque in view of the judgment of the Hon'ble Supreme Court in the case of Damodar Prabhu Vs. Sayyed Babalal,(2010) 5 SCC 663.

5. As parties have amicably settled the dispute, the order of conviction and sentence passed by the learned JMFC on 9.3.2016 and confirmed by the Additional Sessions Judge on 23.11.2016 in Criminal Appeal No.34/2016 is set aside. Petitioner stands acquitted and is set at liberty.

6. In view of the aforesaid observations, Revision Petition stands disposed of.

PRITHVIRAJ K. CHAVAN, J.