

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL REVISION APPLICATION NO. 63 OF 2016

SHRI. SANJAY HOBLE, PRESENTLY IN
CENTRAL JAIL COLVALE, THR., MRS.
PRIYA HOBLE.,

... Petitioner

Versus

MR. SANDESH P. POROB AND ANR.,

... Respondents

Ms. Caroline Collasso, Advocate for the Petitioner.

Ms. Vidhati Subodh Shetye, Advocate for Respondent No.1.

Coram:- C. V. BHADANG, J.

Date:- 27th February, 2017

ORAL ORDER:

Heard the learned Counsel for the petitioner and the learned Counsel for the respondent no.1.

2. The petitioner was convicted for the offence punishable under Section 138 of the Negotiable Instruments Act and has been sentenced to undergo simple imprisonment for 12 months and to pay compensation of Rs.3,40,000/- and in default to undergo further simple imprisonment for a period of 12 months. The learned Sessions Judge has confirmed the said judgment of conviction and sentence. Hence, the present criminal revision application.

3. During the pendency of the present criminal revision application, the parties have amicably settled the dispute and the consent terms are produced on record and marked 'X' for identification. The parties admit the correctness of the contents.

4. The petitioner has deposited Rs.1,00,000/- before this Court, which the respondent no.1 seeks to withdraw, for which the learned Counsel for the petitioner has no objection.

5. The petitioner has deposited Rs.30,000/- with the Goa State Legal Services Authority in compliance with the decision of the Hon'ble Supreme Court in the case of DAMODAR S. PRABHU Vs. SAYED BABALAL H., (2010) 5 SCC 663.

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

O R D E R

- (a) The criminal revision application is allowed.
- (b) The conviction and sentence awarded to the petitioner, is hereby set aside.
- (c) The petitioner is acquitted of the offence punishable under Section 138 of the Negotiable Instruments Act.
- (d) The Bail Bonds of the petitioner, shall stand cancelled.
- (e) The amount of Rs.1,00,000/- lying before this Court alongwith interest, if any, shall be paid to the respondent no.1.

(f) The criminal revision application is disposed of.

C. V. BHADANG, J.

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