

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL REVISION APPLICATION NO. 16 OF 2018

**NILESH PALYEKAR, PRESENTLY IN
COLVALE JAIL, THR. NEHA PALYEKAR., ... Petitioner**

Versus

ANAND KANDOLKAR AND ANR., ... Respondents

**Mr. R. Chodankar, Advocate for the petitioner.
Mr. J. Vaz, Advocate for the respondent no.1.**

Coram:- PRITHVIRAJ K. CHAVAN, J.

Date:- 21st February 2018

P.C.

The Petitioner has been convicted by learned JMFC, Mapusa in Other Acts/NIA/179/2012/B for the offence punishable under Section 138 of the Negotiable Instruments Act. He has been sentenced to undergo simple imprisonment for four months and to pay compensation of Rs.1,00,000/- and in default to undergo simple imprisonment for a period of 2 months. The petitioner preferred an appeal before the Sessions Judge, North Goa bearing Criminal Appeal No.67/2015. Learned Additional Sessions Judge dismissed the appeal on 2.1.2018 against which present Criminal Revision Applicant is preferred.

2. A joint application for compounding of the offence is moved by the petitioner and the respondent no.1 who are duly identified by their respective Advocates. It is submitted that

matter has been amicably settled between the parties and therefore, respondent no.1 does not wish to proceed with the matter. It is also submitted by the learned Counsel for the petitioner that entire amount of the compensation has already been deposited in the Court.

3. In view of the above, permission to compound the offence punishable under Section 138 of the NIA is granted. The petitioner is acquitted of the offence punishable under Section 138 of the NIA. The Judgment and order of conviction passed by the learned JMFC, Mapusa in Other Acts/NIA/179/2012/B and confirmed by the Additional Sessions Judge in Criminal Appeal No.67/2015 is set aside. The petitioner be released forthwith from the judicial custody, if not required in any other case and on depositing 15% of the cheque amount in favour of Goa State Legal Services Authority, in view of the Judgement of the Hon'ble Supreme Court in the case of Damodar Prabhu Vs. Sayyed Babalal H.[(2010)5 SCC 663].

4. Criminal Revision Application stands disposed of.

PRITHVIRAJ K. CHAVAN, J.