

**IN THE HIGH COURT OF BOMBAY AT GOA**  
**CRIMINAL MISC. APPLICATION NO. 75 OF 2019**  
**IN**  
**CRIMINAL REVISION APPLICATION NO.65 OF 2018**

Sanjay T. Nagekar

... Applicant

Versus

Shamrao V. Kotharkar & Anr.

... Respondents

Shri Roshan P. Tarikar, Advocate for the Applicant.

Ms. M. Viegas holding for Shri J. Ramaiya, Advocate for the Respondent No.1.

**Coram:-NUTAN D. SARDESSAI, J.**

**Date:-28<sup>th</sup> March 2019**

**ORAL ORDER :**

It is submitted by the learned Advocate for the applicant that the amount of compensation awarded by the learned JMFC has already been deposited before the learned Sessions Court. In view thereof, he seeks to compound the offence and also seeks a reduction in the deposit of the statutory amount restricted to 5% of the cheque amount.

2. Ms. M. Viegas, learned Advocate for the respondent no.1 has no objection to the application for compounding the offence under Section 138 of the Negotiable Instruments Act.

3. Considering that the applicant has already deposited the

awarded compensation before the learned Sessions Court and in view of the no objection by the respondent no.1, the application for compounding the offence is allowed. In view thereof, the applicant shall stand acquitted of the offence and the impugned judgment and sentence is quashed and set aside. The applicant shall however deposit 10% of the cheque amount by Monday, 01/04/2019 in the Registry. The respondent no.1/original complainant shall be entitled to a withdrawal of the amount deposited before the learned Sessions Court.

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

**NUTAN D. SARDESSAI, J.**

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