

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL REVISION APPLICATION NO. 16 OF 2019

VIJAYKUMAR REDDY., ... Applicant

Versus

SIMANCHAL BHASKAR BEHRA., ... Respondent

Mr. Pranay A. Kamat, Advocate for the Applicant.

Mr. Gautam K. Fadte, Advocate for the Respondent.

Coram:- PRITHVIRAJ K. CHAVAN, J.

Date:- 24th June 2019

P.C.:

This is an application for compounding of the offence under Section 138 of the Negotiable Instrument Act(N.I.Act).

2. The applicant is convicted by the learned Judicial Magistrate, First Class in view of the judgment and order dated 31.01.2017 against which the applicant had preferred an appeal bearing No.15/2017 which also came to be dismissed on 03.04.2019 by the Addl. Sessions Judge against which the applicant has approached this Court invoking revisional jurisdiction of this Court.

3. A joint application signed by the respective parties and the

counsel is moved.

4. It is stated that the applicant has paid Rs.10,000/- today by cash. It is also stated that the respondent is at liberty to withdraw an amount of Rs.75,000/- deposited in this Court as per order dated 16.04.2019 and an amount of Rs.25,000/- deposited in the Court of Addl. Sessions Judge, in Criminal Appeal No. 15/2017.

5. The respective parties admit the recitals of the joint application. As such, the offence under Section 138 of the N.I.Act stands compounded and the judgment and order of conviction passed by the Court below is quashed and set aside. The applicant is acquitted of the offence under Section 138 of the N.I.Act. His bail bond stands cancelled.

6. The respondent is at liberty to withdraw the amount deposited in this Court as well as in the Sessions Court, as stated above.

7. The applicant shall deposit 15% of amount of cheque as per the judgment of the Hon'ble Supreme Court in the case of Damodar S. Prabhu Vs Sayed Babalal H. {(2010) 5 SCC 663} or in the alternative the Registry shall deduct 15% of the amount which is deposited in the Registry and shall pay the balance amount to the respondent after due verification.

8. Criminal Revision Application stands disposed of in view of the aforesaid terms.

PRITHVIRAJ K. CHAVAN, J.

MF/-