

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL REVISION APPLICATION NO. 18 OF 2019

**RAMANNA PAVDAPPA BARKAR, PRESENTLY
LODGED IN COLVALE JAIL, THR.
RAJESHREE NAIK.,**

... Applicant

Versus

**VPK URBAN CO-OPERATIVE CREDIT
SOCIETY LTD., REP. BY RATNA S.
AMONKAR AND ANR.,**

... Respondents

**Mr. S. Dhargalkar, Advocate for the applicant.
Mr. Jatin Ramaiya, Advocate for the respondent no.1.**

Coram:- PRITHVIRAJ K. CHAVAN, J.

Date:- 4th November, 2019

P.C.

Mr. Ramaiya, learned Counsel for the respondent no.1 submits that in view of the affidavit filed by one Pundalik Rama Palyekar, authorised representative of respondent no.1, respondent no.1 has no objection in compounding the offence under Section 138 of the Negotiable Instruments Act.

2. As such, offence under Section 138 of the Negotiable Instruments Act stands compounded and the impugned order dated 18.7.2018 passed by the Additional Sessions Judge, Ponda in Criminal Appeal no.50/2016 as well as judgment and order dated 29.3.2016 passed by JMFC, Ponda, in Criminal Case No.1091/OA/NIA/2013/C is also stands quashed. Applicant is

acquitted of the offence punishable under Section 138 of the Negotiable Instruments Act.

3. At this stage learned Counsel appearing for the applicant submits that applicant is in financial crisis and, therefore, would find it difficult to deposit 15% of the amount of the cheque as per the judgment of the Supreme Court in the case of Damodar Prabhu Vs Sayeed Babalal H.((2010)5 SCC 663).

4. My attention is drawn to the judgment of the trial Court wherein it has been observed that the applicant had already paid part amount to the tune of Rs.73,000/- to the respondent no.1. It is observed that the applicant was liable to pay compensation of Rs.1,46,000/- to the respondent no.1. In that view of the matter discretion can be exercised to direct the applicant to deposit 15% of Rs.1,46,000/- in favour of Goa State Legal Services Authority instead of amount of cheque. Such amount shall be deposited within four weeks from the date of passing of this order as per judgment in Damodar Prabhu (supra).

5. For making compliance of the aforesaid directions, stand over to 4.12.2019.

PRITHVIRAJ K. CHAVAN, J.