

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL REVISION APPLICATION NO. 19 OF 2019

**MANOJ MARUTI GHATEGASTI, PRESENTLY
IN JUDICIAL CUSTODY.,** ... Applicant

Versus

**STATE OF GOA, THR. THE PUBLIC
PROSECUTOR AND ANR.,** ... Respondents

Mr. Vibhav Rajiv Amonkar, Advocate for the Applicant.

Mr. Pravin N. Faldessai, Addl. Public Prosecutor for the
Respondent No.1.

Coram:- PRITHVIRAJ K. CHAVAN, J.

Date:- 10th June 2019

P.C.:

The applicant has challenged an order of dismissal of application for condonation of delay by the learned Addl. Sessions Judge, Panaji.

2. The applicant has preferred an appeal, against the judgment and order of conviction, passed by the learned Judicial Magistrate, First Class in Criminal Case No.312/138/NIA/2016/B. The applicant was sentenced till the rising of the court and inter alia to pay compensation of Rs.46,000/-.

3. Today, the applicant and the respondents have filed a joint pursis on record. It is stated that the entire amount of the cheque, including the amount of compensation, has already been paid to the respondent No.2.

4. The respondent No.2 as such, does not wish to prosecute the case further as the offence has been compounded. The said pursis is signed by the applicant and the authorised representative of respondent No. 2. The pursis is annexed with the resolution of the board of Directors of respondent No. 2, authorising the signatory namely Mr. Lawrence Noronha who signed the pursis. The said pursis annexed with the resolution is taken on record and marked X for identification.

5. In view of the terms of the compromise pursis, the offence under Section 138 of the Negotiable Instrument Act is compounded. The applicant is acquitted of the offence under Section 138 of the Negotiable Instrument Act. His Bail bonds stands cancelled.

6. In view of the judgment of the Hon'ble Supreme Court in the case of Damodar S. Prabhu Vs. Sayed Babalal H.(2010) 5 SCC 663 and in view of the observations at para 25 of the said judgment, 10% of the compensation shall be deposited with the Legal Services Authority of the High Court.

7. At the request of learned Counsel for the applicant, one weeks time is given to deposit the said amount.

8. Case stands disposed of.

PRITHVIRAJ K. CHAVAN, J.

MF/-