

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL MISC. APPLICATION NO. 353 OF 2018
IN
CRIMINAL REVISION APPLICATION NO. 37 OF 2018

Maria Adelaide Pereira e Rodrigues ... Applicant
Versus

Neelesh Prabhudessai Respondent

Mr. Anthony D'Silva, Advocate for the Applicant under Free Legal Aid Scheme.

Mr. John Abreu Lobo, Advocate for the Respondent.

Coram : Nutan D. Sardesai, J.

Date : 05 April, 2019.

P.C. :

Heard Shri. Anthony D'Silva, learned Advocate for the applicant under Free Legal Aid Scheme and Shri. John Abreu Lobo, learned Advocate for the respondent.

2. It has been the contention of Shri. D'Silva, learned Advocate for the applicant that though the cheque amount was ₹ 2,40,000/-, the learned Magistrate in its order of conviction had ordered the applicant to pay the compensation of ₹ 2,60,000/- as against the cheque amount of ₹ 2,40,000/-. No doubt the applicant

had moved upto the Hon'ble Apex Court to agitate her grievances, nonetheless, taking into consideration the judgment in **Priyanka Nagpal Versus State (NCT of Delhi) and Another**, [(2018) 3 SCC 249], this Court may be pleased to impose some reasonable additional compensation on the applicant and allow the application for compounding the offence and acquit the applicant.

3. Shri. John Abreu Lobo, learned Advocate for the respondent submitted in response that the applicant had dragged the complainant/respondent till the Apex Court in a commercial transaction between them, over the last about nine years. The applicant, even after having failed in her attempt to reverse the order of this Court in Revision, had not shown diligence and had otherwise been evading the process of the Court for a considerable length of time. The applicant had therefore to be saddled with heavy compensation and the respondent would agree to compound the offence accordingly.

4. Having heard both the learned Counsels on behalf of the applicant and the respondent respectively, and considering the judgment in **Priyanka Nagpal** (supra) and to bring about a quietus to the matter under consideration, the application for compounding the

offence is allowed whereby the applicant is ordered to deposit an additional amount of compensation of ₹ 1,50,000/- in the Registry of this Court within two weeks from today, which would be in lieu of the three months imprisonment ordered by the learned J.M.F.C. and upheld right through till the Hon'ble Apex Court.

5. The respondent/complainant shall be at liberty to withdraw the entire amount without further reference to this Court. As a consequence of the application for compounding being allowed, the applicant shall stand acquitted of the offence under Section 138 of the Negotiable Instruments Act. It is made amply clear to the applicant that no enlargement of time under any circumstances, shall be granted to her. All applications stand disposed off in view of this order.

6. In the event the Applicant fails to comply with the order as directed within the time specified, the original order shall stand revived and the application for compounding shall stand dismissed.

7. The parties to act on the authenticated copy of this order.

Nutan D. Sardesai, J.

Dv*