

IN THE HIGH COURT OF BOMBAY AT GOA**CRIMINAL WRIT PETITION NO. 242 OF 2019**

Shri Kamlakant Gopinath Phadte
S/o Shri Gopinath Phadte,
47 years of age,
Convict Prisoner No.20/18,
Presently Serving sentence
at Modern Central Colvale Jail
Colvale, Goa.

... Petitioner

Versus

1. VPK Urban Co-operative Credit Society Ltd.,
having its head office at Mardol, Ponda Goa,
and branch office at Curti, Ponda Goa,
duly represented by its Manager,
Mr. Santosh Sonu Kerkar,
married, major in age, service,
residing at Curti, Ponda Goa.

2. Public Prosecutor,
High Court Building, AG's Office,
High Court,
Panaji Goa.

... Respondents

Mr. T. George John, Ms. Celerina D'Sa and Ms. M. Sheikh, Advocates for
the Petitioner.

Mr. Jatin Ramaiya, Advocate for Respondent No.1.

Mr. G. Nagvekar, Addl. Public Prosecutor for Respondent No.2.

**Coram:- M. S. SONAK &
SMT. M. S. JAWALKAR, JJ.**

Date:- 22nd January, 2020

Oral Judgment (Per M. S. Sonak, J)

Heard Mr. T. George John, learned counsel for the Petitioner.
Mr. J. Ramaiya appears for Respondent No.1 and Mr. Nagvekar, learned
Addl. Public Prosecutor for Respondent No.2.

2. Rule. Rule is made returnable forthwith at the request and
with the consent of the learned counsel for the parties.

3. The substantive relief in this petition in prayer clause (a) reads
as follows :-

*“(a) It is therefore prayed that this Hon'ble High Court
may kindly pass order in this Criminal Writ Petition that
substantive punishment in all three cases will go
concurrently :*

(1) C.C. No.850/OA/NIA/2008/C, JMFC, Ponda Goa,

(2) C.C. No.59/OA/NIA/2008/C, JMFC, Ponda Goa,

(3) C.C. No.81/OA/NIA/2007/C, JMFC, Ponda Goa.

And default case goes consecutively.”

4. The learned counsel for the parties are agreed that the issue
raised in this petition stands covered in favour of the Petitioner by virtue of
the decision of this Court in ***Krishna Venkatesh and Another Vs***

Balbhim Malvankar and others in Criminal Writ Petition No.169 of 2019 decided on 11th September, 2019.

5. Accordingly, by following the decision in *Krishna Venkatesh* (supra), we dispose of this petition by directing that the substantive sentences in Criminal Case Nos. 850/OA/NIA/2008/C, 59/OA/NIA/2008/C and 81/OA/NIA/2007/C will run concurrently. However, in so far as in default sentence is concerned, the same, will run consecutively, in case, the Petitioner default in payment of fine.

6. Rule is accordingly made absolute in the aforesaid terms. There shall be no order as to costs.

7. All concerned to act on the basis of the authenticated copy of this order.

SMT. M. S. JAWALKAR, J.

M. S. SONAK, J.

at*