

IN THE HIGH COURT OF BOMBAY AT GOA**CRIMINAL REVISION APPLICATION NO.1 OF 2020**

RAYMOND BARRETTO.,

.... Applicant

VS

V.P.K. URBAN CO-OP.

SOCIETY LTD., REP. BY ITS

AUT. OFFICER, PRASSAN

BANDODKAR.,

... Respondent

Mr. K. Raikar, Advocate for the Applicant.

Mr. J. Ramaiya, Advocate for the Respondent -Society.

Coram : M. S. SONAK, J**Date : 15th February, 2021****P.C.**

Heard Mr. K. Raikar, learned counsel for the Applicant and
Mr. J. Ramaiya, learned counsel for the Respondent – Society.

2. Mr. Raikar points out that as against the amount of
Rs.2,40,000/- payable by the Applicant, upto now an amount of
Rs.1,83,000/- has been paid/deposited. The details are as follows :-

- (a) An amount of Rs.48,000/- has been deposited before the Sessions Judge, Margao, in Criminal Appeal No.10/2019;
- (b) An amount of Rs.80,000/- deposited in this Court in the present matter;
- (c) Rs.20,000/- was deposited in cash with the Society and necessary receipt thereof is available;
- (d) An amount of Rs.35,000/- will be deposited in this

Court today itself for which a DD has also been brought.

3. The aforesaid position is accepted by Mr. J. Ramaiya, learned counsel for the Society. He requests that leave be granted to the Society to withdraw the amounts deposited by the Applicant before the Sessions Judge as well as this Court.

4. Mr. Raikar does not object to the withdrawal by Society and consequently, leave is granted to the Society to withdraw the amount deposited by the Applicant as aforesaid. Registry of this Court as well as the Sessions Judge to permit such withdrawal.

5. Mr. Raikar based on instructions from the Applicant who is present in Court states that the balance amount of Rs.57,000/- will be positively paid by him directly to the Society within maximum period of six weeks from today. This statement is accepted as an undertaking given to this Court.

6. Mr. Raikar makes it clear that in case any default in payment of balance amount then without prejudice to this Court proceeding against the Applicant in its contempt jurisdiction, the Applicant agrees that this Criminal Revision Application No.1 of 2020 may be treated as dismissed without any further reference to this Court. Accordingly, it is made clear that in case there is any default on the part of the Applicant in paying balance amount of Rs.57,000/- to the Society

within six weeks from today, this revision shall be deemed to have been dismissed without any further reference to this Court.

7. However, if the amount of Rs.57,000/- is indeed paid within six weeks from today by the Applicant to the Society then, the offence under Section 138 of NIA shall be deemed to be compounded and the impugned judgment and order set aside. Mr. Ramaiya upon instructions agrees to the adoption of such a course of action. By ordering accordingly, this Criminal Revision Application is disposed of.

8. The stay in so far as the execution of the sentence is concerned shall operate till 27th March, 2021. If by this date the balance amount of Rs.57,000/- is indeed paid by the Applicant then there will be no question of the Applicant having to suffer any sentence or pay any fine. However, if there is a default, then, the Applicant will have to surrender before the JMFC, Margao latest by 5th April, 2021 at 10.00 a.m.

9. The Criminal Revision Application is disposed of in the aforesaid terms. There shall be no order as to costs.

M. S. SONAK, J

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