

IN THE HIGH COURT OF BOMBAY AT GOA**CRIMINAL REVISION APPLICATION NO.7 OF 2020**

BAPTISTA M. VAZ,
PRESENTLY SERVING
SENTENCE AT CENTRAL
COLVALE JAIL, COLVALE.

....APPLICANT

Versus

MADHUKUAR V. DESSAI
AND ANR.

.... RESPONDENTS

Mr. T. George John, Advocate for the Applicant.
Mr. P.A. Kamat, Advocate for the Respondent No.1.

Coram:- SMT. M.S. JAWALKAR, J.

Date:- 10th AUGUST 2021

P.C. :

By this application, the applicant, who is an original accused prays for compounding of an offence under Section 138 of the Negotiable Instruments Act.

2. There was criminal complaint bearing no.48/OA/Ni/2013/E under Section 138 of Negotiable Instruments Act against the present applicant/original accused. Learned JMFC, Margao, convicted the accused and directed to pay an amount of ₹14,00,000/- as compensation. The said order came to be challenged by way of Criminal Appeal before Sessions Judge vide no.62/2017. The appeal was dismissed which is subject matter of the present revision application.

3. During the pendency of revision parties arrived at settlement. They moved joint application for compounding. The application is taken on record. The amount so settled is already paid to the complainant and complainant has no objection for compounding the matter.

4. In view of the settlement between the parties the impugned judgment and order of conviction passed by learned JMFC, Margao, dated 10.05.2017 is hereby quashed and the applicant is acquitted of an offence punishable under Section 138 of the NI Act. His bail bond stands discharged.

5. In view of the judgment of the Supreme Court in ***Damodar Prabhu V/s. Sayed Babalal H.*** reported in **(2010) 5 SCC 663**, the applicant shall deposit 15% of the cheque amount in the Goa State Legal Services Authority within 4 weeks. If the amount so directed is deposited before expiry of 4 weeks parties are at liberty to move the Court to report compliance.

6. Stand over to 13.09.2021

SMT. M.S. JAWALKAR, J.

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