

Vinita

**IN THE HIGH COURT OF BOMBAY AT GOA.
CRIMINAL MISC. APPLICATION NO.1 OF 2022
IN
CRIMINAL REVISION APPLICATION NO.1 OF 2022.**

SOCCORINA FERNANDES	...Applicant.
VS	
KRANTI GUDINHO AND ANR	...Respondents.

Ms. P. Matkar, Advocate for the applicant under the legal aid scheme.

Ms. Gauri Sinai Borkar, Advocate for the respondent no.1.

Mr. G. Nagvenkar, Addl. Public Prosecutor for the respondent no.2.

**CORAM: SANDEEP K. SHINDE, J.
DATE: 22nd June, 2022.**

P.C.:

1. This revision application questions the legality, correctness and propriety of the judgment dated 6.12.2021 in Criminal Appeal No. 101/2018 passed by the Court of Sessions Judge, South Goa Margao, by which appeal against the conviction and sentence under Section 138 of the Negotiable Instruments Act, Criminal Case No. 24/OA/NI/2014/B was confirmed.

2. This Court admitted revision application on 20.4.2022.

3. An application moved by the applicant seeking suspension of sentence was heard and vide order dated 4.1.2022 directed the applicant to deposit Rs.50,000/- in this Court within four weeks.

Accordingly, the applicant has deposited a sum of Rs.50,000/- in this Court. Furthermore, pending appeal, the applicant has paid Rs.50,000/- to the complainant, which the respondent no.1/ Complainant acknowledges.

4. The cheque amount in the present case is Rs.2,93,000/- which was dishonoured in the year 2014 i.e. almost eight years back. Two Courts have rendered finding based on facts, against the applicant and convicted her. On consideration of the facts of the case, it would be just and proper, if the applicant is directed to pay Rs. 50,000/- to the complainant, in addition to Rs.1,00,000/- already paid/deposited.

5. The learned Counsel for the applicant, on instructions, from the applicant undertakes to deposit Rs.50,000/- with Registry of this Court on or before 30.8.2022. The statement is accepted.

6. Based on the aforesaid statement, the sentence imposed upon the applicant in subject Criminal Case is hereby suspended till the revision application is heard and disposed of finally. Security and personal bond submitted before the trial Court in terms of the order dated 4.1.2022 shall continue to remain in force till further orders.

7. CRMA No.1/2022 is disposed of in the aforesaid terms.

8. Upon applicant deposits Rs.50,000/- the complainant may move an application for withdrawal of the said amount.

SANDEEP K. SHINDE,J.