

Andreza

**IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL REVISION APPLICATION NO. 2 OF 2022
WITH
CRIMINAL MISC. APPLICATION NO. 2 OF 2022**

Soccorina Fernandes

... Applicant

Versus

Kranti Gudioho & anr.

... Respondents

Ms. Prema Matkar, Advocate U/LAS for the Applicant.

Mr. James Lopes, Advocate for the Respondent no.1.

Mr. Mahesh Amonkar, Additional Public Prosecutor for the Respondent no.2.

CORAM: MANISH PITALE, J

DATED: 1st February 2022

P.C.

1. This Revision Application concerns dismissal of an appeal filed by the Applicant challenging her conviction and sentence by the Magistrate for an offence under Section 138 of the Negotiable Instruments Act, 1881, concerning a cheque for an amount of ₹1,00,000/-.
2. On 04.01.2022, while issuing notice, this Court had continued the suspension of sentence imposed upon the Applicant by recording that an amount of ₹1,00,000/-, which is the cheque amount, was already deposited before the Appellate Court during the pendency of the Appeal.
3. Upon issuance of notice, Mr Lopez, learned Counsel, has entered appearance on behalf of Respondent no.1-(original

complainant) and Mr Mahesh Amonkar, learned Additional Public Prosecutor, appeared on behalf of Respondent no. 2.

4. It is submitted by Mr Lopez, learned Counsel for the Respondent no. 1, that while the Applicant did deposit an amount of Rs. 1,00,000/- before the Appellate Court, an amount of Rs. 50,000/- was made over to the original Complainant i.e. the Respondent no. 1, during the pendency of the Appeal before the Appellate Court.

5. Considering the aforesaid fact and also having perused the impugned Judgments and Orders, this Court is convinced that a case is made out on behalf of the Applicant for admitting the present Revision Application. Hence, Admit.

6. Mr. Lopez, Advocate and Mr. Mahesh Amonkar, Additional Public Prosecutor, waive notice on behalf of Respondent nos. 1 and 2, respectively.

7. Call for Records and Proceedings.

8. The sentence imposed on the Applicant shall remain suspended in terms of the order dated 04.01.2022, during the pendency of the present Revision Application.

9. Liberty is reserved for the parties to file additional documents in this Court.

10. Consequently, Criminal Misc. Application No. 2 of 2022, for suspension of sentence, stands disposed of.

MANISH PITALE, J