

Vinita

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO.86 OF 2022

RUPESH NARAYAN GAONKAR

... PETITIONER

Versus

THE VELGUEM URBAN COOPERATIVE

CREDIT SOCIETY LTD., REP. BY

RECOVERY MANAGER, AMAR BALA GHADI ... RESPONDENT

Mr. S. N. Joshi and Mr. A. Mashelkar, Advocates for the petitioner.

Mr. B. Natekar, Advocate for the respondent.

CORAM:- SANDEEP K. SHINDE, J.

DATED :- 17th August, 2022

P.C.

Heard Mr. S. N. Joshi, learned Counsel for the petitioner and Mr. B. Natekar, learned Counsel for the respondent.

2. Petitioner's conviction under Section 138 of the Negotiable Instruments Act and sentence in Criminal Case No.138/NIA/360/2016/B, ordered by the learned Judicial Magistrate, First Class at Bicholim, has been confirmed in Criminal Appeal No.65 of 2018, vide judgment and order dated 18.4.2022, passed by the learned Addl. Sessions Judge, Mapusa, Goa.

3. Soon after the conviction was confirmed by the appellate Court, on 22.6.2022, the petitioner/accused paid Rs.65,000/- to the respondent/Co-operative Society.

4. In consideration of this fact, the petitioner has moved this petition seeking leave to compound the offence, under Section 147 of The Negotiable Instruments Act, 1881 and prayed that Rs.15,000/- deposited in Criminal Appeal No. 65 of 2018 be refunded to him.

5. Complainant/Respondent has filed an affidavit sworn on 17.8.2022 and consented for compounding the offence. Paragraph 6 of the affidavit reads as under;

" I say that we have No Objection in case this Hon'ble Court orders closure of Proceedings under Section 138 of the Negotiable Instruments Act, instituted by us against the Petitioner above named and the discharge of the accused in view of the compliance of the orders passed by the learned Courts referred herein above."

6. Thus, in consideration of the facts aforesaid, offence is compounded and the petitioner stands acquitted of the offence punishable under Section 138 of the Negotiable Instruments Act, 1881. In consequence, Nazir, attached to the office of the

Sessions Court, Mapusa Goa, shall refund a sum of Rs. 15,000/- with interest accrued thereon, if any, to the petitioner, which he had deposited, pending Criminal Appeal No. 65 of 2018.

7. Petition is allowed in the aforesaid terms and disposed of.

SANDEEP K. SHINDE, J.