

Suchitra

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL REVISION APPLICATION NO.4/2021

RAKHI ANAND PRABHUDESAI @
RAKHI AMIT NAIK ...APPLICANT

Versus

DEEPAK PAUTO DESSAI ...RESPONDENT

Mr. Pavithran A.V., Advocate for the Applicant.
Mr. Adish Halarnkar, Advocate for the Respondent.

CORAM: M. S. SONAK, J.

DATED: 21st January 2022

P.C.:

1. Heard Mr. Pavithran for the applicant and Mr. Adish Halarnkar for the respondent.

2. The learned counsel for the parties have tendered an application for compounding the offence under Section 147 of the Negotiable Instruments Act. The same is taken on record and marked as 'X' for the purpose of identification.

3. In the application, it is stated that the applicant has deposited an amount of ₹1,30,000/- in this Court and ₹20,000/-

before the learned Sessions Court. Mr. Pavithran submits that this constitutes the entire payment as against the dishonoured cheque as well as the compensation awarded in the impugned Judgments and Orders.

4. Mr. Adish Halarnkar, learned counsel for the respondent (complainant) states that the respondent will have no objection if the offence is compounded and the proceedings are disposed of.

5. Mr. Pavithran, on instructions states that the applicant will deposit with the Goa State Legal Services Authority an amount of ₹15,000/- within one week from today towards costs. This is in terms of the decision of the Hon'ble Supreme Court in the case of *Damodar Prabhu v/s. Sayed Babalal – 2010 (5) SCC 663*.

6. Therefore, subject to the deposit of the aforesaid amount of ₹15,000/- within one week from today, the offences are hereby compounded. The Judgments and Orders convicting the applicant are hereby set aside.

7. The respondent (complainant) is permitted to withdraw the amounts deposited by the applicant in this Court as

also before the learned Sessions Court. The offences in Criminal Case No.509/OA/NI/2016/E in the court of the learned JMFC, Margao, 'E' Court are therefore compounded and the applicant is acquitted.

8. This Criminal Revision Application is disposed of in the aforesaid terms.

M. S. SONAK, J.