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IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL REVISION APPLICATION NO.29 OF 2015

CHARI INDUSTRIES, PROP. JANARDAN
S.CHARI, PRESENTLY IN J/C VASCO,
THR. NITEEN S. CHARI.

... APPLICANT

Versus

BICHOLIM URBAN CO-OPERATIVE BANK
LTD., AND ANR.,

... RESPONDENTS

Mr. S. Shet, Advocate for the applicant.

Mr. P. Kakodkar, Advocate for respondent no.1.

CORAM:- PRAKASH D. NAIK, J.

DATED :- 8th November, 2023

P.C.

Learned Advocate for the respondent tenders resolution of the bank authorising the complainant to compound the matter. Resolution is taken on record and marked X for identification.

2. Applicant is convicted for the offence punishable under Section 138 of the Negotiable Instruments Act vide judgment and order dated 23.4.2014. The applicant was sentenced to undergo simple imprisonment for a period of six months and pay compensation of Rs.30,000/- to the complainant within two months. Judgment of the trial Court was challenged by preferring appeal before the Court of Sessions North Goa Panaji vide Criminal Appeal No. 54/2014. Said appeal has been dismissed vide judgment and order dated 30.1.2015. It is submitted that cheque amount of Rs.43,166/- was already paid to the

complainant during the pendency of the trial. Amount of Rs.30,000/- awarded as compensation was deposited in this Court.

3. Learned Advocates appearing for both sides submitted that the parties have resolved the dispute. Respondent no.1 has no objection for setting aside judgment and order of conviction provided the complainant is permitted to withdraw the amount of Rs30,000/- deposited by the revision applicant in this Court along with interest.

4. Since the parties have settled the dispute and in accordance with section 147 of the NIA Act parties can be allowed to compound the offence.

ORDER

(i) Criminal Revision Application is allowed.

(ii) Judgment and order dated 23.4.2014 passed by Chief Judicial Magistrate A Court Panaji and judgment and order dated 30.1.2015 passed by the Sessions Judge Panaji in Criminal Appeal No. 54/2014 are set aside on the ground that parties have compounded the matter.

(iii) Revision applicant is acquitted of the offence under Section 138 of the NI Act.

(iv) Amount of Rs.30,000/- deposited by the revision applicant in this Court is allowed to be withdrawn by the complainant along with accrued interest on the said amount.

(v) Criminal Revision Application stands disposed of.

PRAKASH D. NAIK, J.