

Esha

**IN THE HIGH COURT OF BOMBAY AT GOA**

**CRIMINAL APPEAL NO.10 OF 2019**

V. P. K. URBAN CO-OPERATIVE CREDIT  
SOCIETY LTD., REP. BY ITS AUT.  
OFFICER, PUNDALIK RAMA PALYEKAR.,  
Versus

... APPELLANT

NILESH TULSHIDAS BORKAR AND ANR.,

... RESPONDENTS

Mr. Akshay Borkar holding for Mr. Parikshit Sawant, Advocate for  
the Appellant.

Mr. Pravin Faldessai, Additional Public Prosecutor for Respondent  
No. 2.

**CORAM:- BHARAT P. DESHPANDE, J.**

**DATED :- 8th June, 2023**

P.C.

The learned Counsel for the Appellant would submit that though, the present Appeal is filed challenging the dismissal of the complaint under Section 138 of the Negotiable Instruments Act, 1881 by the Trial Court, during the pendency of the Appeal, Respondent No. 1 has deposited the entire loan amount and thereafter, the loan account has been closed.

2. The learned Counsel for the Appellant has placed on record a letter from the General Manager of the Society, thereby, seeking permission to withdraw the Appeal on settlement.

3. Since the Trial Court has already acquitted Respondent No. 1 and the same has been challenged before this Court, nothing survives in the Appeal as the amount is already received by the Appellant-Society. Accordingly, the Appeal is permitted to be withdrawn and stands disposed of.

**BHARAT P. DESHPANDE, J.**

VAIGANKAR  
ESHA SAINATH

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