

Esha

IN THE HIGH COURT OF BOMBAY AT GOA

**CRIMINAL MISC. APPLICATION NO. 81 OF 2022
IN
CRIMINAL REVISION APPLICATION NO. 31 OF 2022**

SOHANLAL GHANCHI ... APPLICANT
VS
RAJU VASUDEV NIPANIKAR
AND ANR. ... RESPONDENTS

Mr. Sahil Sardesai, Advocate for the Applicant.

Mr. Gaurish Nagvenker, Additional Public Prosecutor for
Respondent No. 2.

Mr. Raju Nipani, Respondent No. 1 in person.

CORAM: B.P. COLABAWALLA, J.

DATED: 6th FEBRUARY 2023

P.C.

1. The above Criminal Revisional Application is filed challenging the order passed by the Sessions Court, North Goa, Mapusa dated 06.05.2022. The Judicial Magistrate First Class, Mapusa convicted the Applicant for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 and sentenced him to undergo imprisonment for a period of five months and to pay compensation of ₹2 lakhs to the Complainant and in default of

payment of compensation, the Applicant to undergo imprisonment for a further period of five months. The above Criminal Miscellaneous Application is filed seeking suspension of sentence and for the Applicant to be released on bail.

2. The learned Advocate appearing on behalf of the Applicant has pointed out that he has handed over a cheque of ₹2 lakhs towards compensation awarded by the Trial Court. He has undertaken to this Court that this cheque shall be honoured when it is presented for payment. He has therefore submitted that the sentence be suspended and the Applicant be released on bail.

3. After hearing the learned Counsel appearing on behalf of the Applicant/Petitioner as well as the Complainant who is present in person, and considering that the entire amount of compensation is now tendered [by cheque dated 10.02.2023] to the Complainant and that the Applicant has been sentenced to suffer imprisonment for a period of five months, I find that this is a fit case for suspending the sentence. Accordingly, it is ordered that the judgment awarding sentence to the Applicant dated 25.01.2019 is suspended and the Applicant is released on bail on the following conditions:

(a) The Applicant shall execute a bond in the sum of ₹20,000/- with one surety in the like amount to the satisfaction of the Registrar (Judicial) of this Court.

(b) The Applicant on being released on bail, within a period of 5 days, the Applicant shall furnish his contact number and residential address to the Registrar (Judicial) of this Court and shall keep them updated if there is any change.

(c) The Applicant shall not leave the State of Goa without the permission of this Court.

(d) The Applicant shall attend all the dates of hearing as and when fixed by this Court.

(e) The Applicant's failure to abide by these conditions shall entitle the prosecution to apply for cancellation of the bail now granted by this order.

4. The above Criminal Miscellaneous Application is disposed of in the aforesaid terms.

5. Place the above Criminal Revision Application on Board for Admission on 13.02.2023.

6. This order will be digitally signed by the Private Secretary/Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

B.P. COLABAWALLA, J.

VAIGANKAR ESHA SAINATH
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VAIGANKAR ESHA SAINATH
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