

Meena

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL APPEAL NO. 22 OF 2017

MR. SANTOSH NAIK

Aged 54 years, Indian National,
Resident of H. No.22, Gaunem
Bandora, Ponda- Goa

... Appellant

Versus

1) SURESH NAIK

S/o. Mukund Naik, r/o. H.No.22,
Patne Gaune, Bandora, Ponda-
Goa.

2) ROHIT NAIK,

s/o. Suresh Naik,
r/o. H.No.22, Patne Gaune,
Bandora, Ponda- Goa.

3) BABAN NAIK,

s/o. Suresh Naik,
r/o. H.No.22, Patne Gaune,
Bandora, Ponda- Goa.

4) STATE

Through P.I. Ponda Police Station

... Respondents

Mr H.D. Naik, Advocate for the Appellant.

Mr Sahil Sardesai h/f. Mr Arun Bras De Sa, Advocate for
Respondent Nos.1 to 3.

CORAM: BHARAT P. DESHPANDE,J.

DATED : 5th JANUARY 2023

ORAL JUDGMENT:

1. Heard learned Counsel for the parties.
2. The appellant as well as the respondents are present in person. The Consent Terms are filed duly signed by the respective parties and their advocates. Consent Terms declare that the appellant and respondent Nos.1, 2, and 3 amicably settled their differences/dispute with regard to the matter in the present appeal and respondents without prejudice to their rights, compensated the appellant by paying an amount of ₹2,00,000/- (Rupees Two Lakhs only) by way of cheque as disclosed in paragraph 6.
3. Records show that there was a fracture injury to the left hip joint due to the assault with danda. Charge was framed against the respondents for the offences punishable under Section 325, 504, r/w. 34 of the Indian Penal Code. After the trial, the learned trial Court acquitted all the respondents by giving benefit of doubt. Accordingly, the appellant who is the victim preferred the present appeal. It is reported that the State did not file any appeal against acquittal.
4. It is reported that the parties are neighbours and in order to maintain harmony, the present matter stands settled amongst themselves.
5. Though the injury was grievous in nature, the respondents by way of compensation, agreed to compensate the loss caused to the appellant as well as the injury. Considering the fact that parties

decided to settle the matter amicably and filed the Consent Terms, prayer could be granted to settle the matter. The cheque of an amount of ₹2,00,000/- (Rupees Two Lakhs only) dated 09/01/2023 is handed over to the appellant.

6. Considering the above facts, the appeal filed by the appellant challenging the acquittal of the respondents could be disposed of as settled amongst the parties. Consent Terms stands accepted. The appeal stands disposed of as settled.

7. Parties to bear their own costs.

BHARAT P. DESHPANDE, J.

MEENA
VISHAL
BHOIR

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