Andreza

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL REVISION APPLICATION NO.708 OF 2023 (F)
WITH
CRIMINAL MISC. APPLICATION NO.709 OF 2023 (F)

CRIMINAL REVISION APPLICATION NO.708 OF 2023 (F)

SNUSHA SURESH NAIK ... APPLICANT

Versus

THE PIRNA URBAN CO-OPERATIVE CREDIT SOCIETY LTD AND ANOTHER ... RESPONDENTS

WITH

CRIMINAL MISC. APPLICATION NO.709 OF 2023 (F)

IN

CRIMINAL REVISION APPLICATION NO.708 OF 2023 (F)

SNUSHA SURESH NAIK ... APPLICANT

Versus

THE PIRNA URBAN CO-OPERATIVE CREDIT SOCIETY LTD AND ANOTHER ... RESPONDENTS

Mr. A. D. Bhobe, Advocate with Ms. Ramona Prazeres, Ms. Shaizeen Shaikh, Ms. Annelise Fernandes and Mr. A. Nagi, Advocates for the Applicant.
Mr. Pravin Faldessai, Additional Public Prosecutor for Respondent no.2-State.

CORAM:- PRAKASH D. NAIK, J.

DATED :- 25th September, 2023

P.C.

The Applicant has been convicted for an offence under Section 138 of the Negotiable Instruments Act, 1881, vide Judgment and Order dated 07.09.2022 and sentenced to suffer simple imprisonment of two months and to pay compensation of Rs. 5 Lakhs. The Appeal preferred by the Applicant has been dismissed vide Order dated

01.09.2023 and the Applicant is directed to surrender before the Trial Court today i.e. 25.09.2023 at 10.00 a.m.

2. Learned Advocate for the Applicant submits that the Judgment suffers from serious infirmity. The cheque was not issued in respect to any liability that is enforceable under law. The Applicant has paid an amount of Rs. 50,000/- to the Complainant and deposited Rs. 1 Lakh before the Registry of the Appellate Court. The Applicant is willing to deposit an amount of Rs. 50,000/- during the course of the day in this Court and the balance amount within a period of three weeks from today. Statement is accepted.

3. Issue notice to Respondent no.1, returnable on 16.10.2023.

4. Mr. Faldessai, Additional Government Advocate, waives notice on behalf of Respondent no.2.

5. In the meantime, the substantive sentence of conviction imposed by Judgment dated 07.09.2022 passed by learned J.M.F.C., 'A' Court, Ponda, in Criminal Case No. 386/OA/NIA/2018/A, which was confirmed by the Sessions Court vide Judgment and Order dated 01.09.2023 passed in Criminal Appeal No. 118 of 2022, is suspended and the Applicant is directed to be released on bail upon execution of a PR bond in the sum of Rs.20,000/- with one or more sureties in the like amount to the satisfaction of the Trial Court.

6. This interim protection is granted till the next date of hearing.

7. Stand over to 16.10.2023

PRAKASH D. NAIK, J.

ANDREZA PEREIRA Digitally signed by ANDREZA PEREIRA
Date: 2023.09.25 11:34:02 +05'30'