

Vinita

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL REVISION APPLICATION NO. 788 OF 2023-F
WITH
CRIMINAL MISC. APPLICATION NO.785 OF 2023-F
IN
CRIMINAL REVISION APPLICATION NO. 788 OF 2023-F

PANDURANG MADHUKAR NARVEKARApplicant.
VS
RAGHUNATH NILU GAUNS DESSAI AND
ANR.Respondents.

Mr. V. Korgaonkar ad S. Rivankar, Advocate for the applicant.

CORAM: PRAKASH D NAIK, J

DATED: 26th October 2023

P.C.:

1. Revision Applicant is convicted for the offence under Section 138 of the Negotiable Instruments Act 1881 vide judgment and order dated 31.10.2022 passed by the Judicial Magistrate, First Class “B” Court Quepem Goa in Criminal Case No.11/OA/NI/2021/B. The applicant is sentenced to undergo simple imprisonment for a period of three months and to pay compensation of Rs.7,00,000/- to the complainant within one month and in default of payment of compensation, the applicant was directed to undergo further simple imprisonment of six months. The applicant challenged the judgment and order of the trial Court before the Court of Sessions, South Goa Margao by preferring Criminal Appeal No.100/2023. Learned Sessions Judge vide judgment and order dated 20.10.2023 dismissed

the appeal. Applicant was present in the Court. He was taken into custody.

2. Learned counsel Mr. Korgaonkar for the applicant submitted that applicant is in custody from 20.10.2023. The applicant has good case on merits. Cheque was purportedly issued in favour of CW1 whereas CW2 in his evidence has deposed that amount was advanced by way of loan to the accused by him. There were discrepancies about the demand notice issued by the complainant. Complainant has not proved that the cheque was issued in discharge of liability. It is submitted that applicant is in custody and on instructions from the applicant's son it is submitted that applicant would deposit an amount of Rs. 1,50,000/- within a period of one week from the date of his release from jail. Sentenced imposed may be suspended.

3. Considering aforesaid circumstances, I pass following:-

ORDER

- (i) Issue notice to the respondents returnable on 4.12.2023.
- (ii) Sentence of imprisonment imposed vide judgment and order dated 31.10.2022 passed by learned Judicial Magistrate, First Class "B" Court Quepem in Criminal Case No. 11/OA/NI/2021/B and confirmed by Sessions Court vide judgment and order dated 20.10.2023 passed in Criminal Appeal No.100/2023 is suspended

and the applicant is directed to be released on bail on executing PR bond in sum of Rs.20,000/- with one surety in like amount to the satisfaction of the trial Court.

(iii) Applicant shall deposit an amount of Rs.1,50,000/- in this Court within a period of one week from the date of his release from jail.

(iv) This interim protection is granted till next date of hearing.

(v) The applicant is permitted to deposit the aforesaid amount by way of interim measures. Application will be heard on merits and also on issue of depositing further amount on the next date.

PRAKASH D NAIK, J.