



Esha

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL REVISION APPLICATION NO.45 OF 2017

PRASAD U. PARAB.,
Versus

... APPLICANT

THE PIRNA URBAN CO-OPERATIVE
CREDIT SOCIETY LTD., THR. ITS
G.M., BABAJI SURYA PAL AND ANR.,

... RESPONDENTS

Mr. Ashay Priolkar, Advocate for the Applicant.

Mr. Raviraj Chodankar, Advocate for Respondent No. 1.

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

CORAM:- BHARAT P. DESHPANDE, J.

DATED :- 25th June, 2024

P.C.

The parties filed an Application for compounding the said offence.

2. Mr. Arjun Gawas being the Authorized Representative of Respondent No. 1-Society has endorsed on the Application itself that Respondent No. 1-Society is ready and willing to compound the said offence. A copy of the resolution is also placed on record authorizing Mr. Arjun Gawas to appear and sign the document for and on behalf of Respondent No. 1-Society.

3. The record shows that the Applicant has cleared the entire loan amount including the cheque amount, which he obtained from

Respondent No. 1-Society. Similarly, the Applicant has deposited by Demand Draft dated 30.04.2024 in the name of the Registrar of this Court, an amount of Rs.9,300/- equivalent to 15% of the cheque amount as directed by the Apex Court in the case of Damodar S. Prabhu Vs. Sayed Babalal H., (2010) 5 SCC 663.

4. Since the parties have settled their dispute and the entire amount including the cheque amount is paid to Respondent No. 1-Society, the parties are permitted to compound the said offence. Accordingly, the Application filed today for compounding with an endorsement on behalf of Respondent No. 1-Society along with a copy of the resolution is taken on record and accepted.

5. The impugned judgments passed by the Courts below holding the Applicant guilty for the offence punishable under Section 138 of the N.I. Act are therefore quashed and set aside by granting permission to compound the said offence. The Registry is accordingly directed to hand over the amount of Rs.9,300/- which is 15% of the cheque amount to the Goa State Legal Services Authority.

6. In view of the above, Criminal Revision Application No. 45 of 2017 stands disposed of.

BHARAT P. DESHPANDE, J.