



Shakuntala

13 CRIR.16/2024

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL REVISION APPLICATION NO.16 OF 2024

AMIT ASHOK MANE

... APPLICANT

Versus

V P K URBAN CO-OPERATIVE
CREDIT SOC. LTD. REPRESENTED
BY ITS AUTH. OFFICER
PRABHAKAR GAUDE
AND ANR

... RESPONDENTS

Mr. Ashay Priolkar, Advocate for the Applicant.

Mr. Omkar Parab, Advocates for Respondent No. 1.

Mr. Vaze, Additional Public Prosecutor for Respondent No.2.

CORAM:- BHARAT P. DESHPANDE, J.

DATED :- 30th September, 2024

P.C.

1. Heard Mr. Priolkar learned counsel along with the Applicant who is present in person, Mr. Parab learned Counsel for Respondent No. 1 and Mr. Vaze, Additional Public Prosecutor for Respondent No.2.

2. An application is filed for compounding of the offence punishable under Section 138 of the Negotiable Instruments Act, 1881.

3. The entire loan amount is now paid with the Respondent No.1- Society which is endorsed by learned counsel for Respondent No. 1 on the application, today itself. Besides, the receipt of the payment of the loan amount is also placed on record.

4. The Applicant handed over a Demand Draft in the name of Registrar (Judicial) of this Court dated 20.09.2024 for Rs.14,250/- (Rupees Fourteen Thousand Two Hundred and Fifty only) which is equivalent to 15% of cheque amount as to compounding charges, in view of the decision of the Apex Court in the case of ***Damodar S. Prabhu versus Sayed Babalal H. reported in (2010) 5 SCC 663.***

5. The application is supported by an affidavit and the relevant documents.

6. Since the loan amount is already cleared and the Applicant has deposited the compounding charges, permission could be granted to parties to compound the said offence since the Respondent No.1- Society is not having any objection.

7. Accordingly, compounding of the offences is granted as per Section 147 of the Negotiable Act 1881, in connection with offence punishable under Section 138 of the Negotiable Act 1881.

8. The impugned judgment and conviction passed by the Courts below are therefore, quashed and set aside, thereby permitting parties to compound the said offence.

9. The Registrar (Judicial) is therefore directed to hand over the amount of Rs. 14,250/- (Rupees Fourteen Thousand Two Hundred and Fifty only) to the Goa State Legal Services Authority, as compounding charges.

10. The application for compounding is taken on record and marked as 'X' for identification and the said application is allowed as per the above observations.

11. The revision filed before this Court is accordingly, disposed of in the above terms.

BHARAT P. DESHPANDE, J.