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IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL REVISION APPLICATION NO.22 OF 2022
WITH
CRIMINAL MISC. APPLICATION NO.51 OF 2022

CRIMINAL REVISION APPLICATION NO.22 OF 2022
AMAR ASHOK TUEMKAR ... APPLICANT
Versus
PUNDALIK DATTARAM AMONKAR AND ANR ... RESPONDENTS

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Versus
PUNDALIK DATTARAM AMONKAR AND ANR ... RESPONDENTS

Mr. Ganesh Naik, Advocate for the Applicant.

Ms. Kavita Naik, Advocate for Respondent No. 1.

Mr. Gaurish Nagvenker, Additional Public Prosecutor for the State.

CORAM:- BHARAT P. DESHPANDE, J.

DATED :- 19th August, 2024

P.C.:

1. Mr. Ganesh Naik, appears for the Applicant and Ms. Kavita Naik appears for the Respondent No. 1.

2. An application is filed for compounding of the offence on the ground that the parties have settled their disputes outside the Court. The entire amount, as awarded by the Appellate Court, is

deposited/paid.

3. Mr. Naik appearing for the Applicant submits that today the Applicant has produced a Demand Draft in the name of Registrar of High Court of Bombay at Goa for Rs. 30,000/- (Rupees Thirty Thousand only) which is towards the amount of 15% of the cheque as directed by the Apex Court in the case of Damodar Prabhu Vs Sayed Babalal, reported in (2010)5 SCC 663 for compounding of the offence.

4. Respondent No. 1 is present in person along with the Advocate and agreed that he has no objection for compounding of the said offence. Accordingly, the joint application signed by the Applicant and the Respondent No. 1 is placed on record and marked 'X' for identification.

5. The Applicant was charged under Section 138 of the NI Act before the learned Magistrate. After the trial, the learned Magistrate, found the Applicant guilty for the said offence and accordingly sentenced him for imprisonment, as well as to pay compensation to the complainant.

6. The Appeal filed before the Appellate Court was dismissed, thereby confirming the sentence awarded by the learned Magistrate. Thereafter, a Revision is made before this Court.

7. Since the parties have settled the dispute, permission could be granted to compound the offence.

8. The Applicant has deposited the balance amount of Rs. 70,000/- (Rupees Seventy Thousand Only) before this Court. The Registry is directed to transfer the said amount of Rs.70,000/- in the account of Respondent No. 1. The Respondent No.1 shall provide his bank details to the Registry accordingly.

9. The Demand Draft of Rs. 30,000/- (Rupees Thirty Thousand Only) is accepted towards the compensation charges. Registry is directed to transfer this amount of Rs. 30,000/- (Rupees Thirty Thousand Only) to the account of Goa State Legal Services Authority.

10. The compounding application is therefore accepted. Accordingly, substantive sentence awarded by the Court stands quashed and set aside and permission is granted to the parties to compound the offence under Section 138 of the NI Act, read with Section 147 of the NI Act.

11. Accordingly, the present application is disposed of. Parties to act on an authenticated copy of this Order.

BHARAT P. DESHPANDE, J.