

Meena

IN THE HIGH COURT OF BOMBAY AT GOA

**CRIMINAL MISC. APPLICATION NO.718 OF 2023(F)
IN
CRIMINAL REVISION APPLICATION NO.716 OF 2023 (F)
WITH
CRIMINAL WRIT PETITION NO.814 OF 2023/(F)
WITH
FIRST APPEAL NO.108 OF 2017**

KALIDAS KASHINATH RAIKAR SENT TO ... Applicant
CENTRAL JAIL AT COLVALE THR. HIS
NEXT FRIEND MILAN KALIDAS RAIKAR

VS

MAHESH REVANKAR AND ANOTHER ...Respondents

Mr. Arjun Naik, Advocate for the Applicant.

Mr. Vibhav Amonkar with Mr. S. Shetye, Advocates for Respondent No.1.

Mr. G. Nagvenkar, Additional Public Prosecutor h/f. Mr S. Karpe, Additional Public Prosecutor for Respondent No.2.

Mr. Nikhil Vase, Additional Public Prosecutor for Respondent No.2 in WPCR/814/2023(F)

Mr. Rama Rivankar, Advocate for the Appellant in FA No.108/2017.

Mr. Arun Naik, Advocate for Respondent Nos.1 and 2 in FA No.108/2017.

CORAM: **BHARAT P. DESHPANDE, J**

DATED: **27th February, 2024**

P.C.:

1. Order dated 12/02/2024 shows mistakes apparent on the face of record. Mr. Vibhav Amonkar, learned Counsel is appearing for respondent No.1 is inadvertently shown as appearing for the

applicant and Mr. Arjun Naik is appearing for respondent No.1 instead of the applicant. The correction be carried out accordingly in the order dated 12/02/2024 and the correct copy be uploaded.

2. Paragraph No.4 of the said order permits withdrawal of the amount deposited before the Sessions Court in Criminal Appeal No.68 of 2023. Such withdrawal is along with interest accrued therein. Accordingly, the complainant is permitted to withdraw such amount with accrued interest.

3. With the consent of the parties, the learned Sessions Court is requested to issue a cheque of the said amount with accrued interest in the name of Zenith Constructions which is the proprietary concern of the complainant.

4. The parties while amicably settling the dispute regarding the matter filed under Section 138 of the N.I. Act and First Appeal between the same parties for recovery of the amount.

5. The Consent Terms are accepted. Permission is granted to compound the offence under Section 138 of the N.I. Act subject to depositing 15% of the cheque amount with the Goa State Legal Services Authority as directed by the Apex Court in the case of **Damodar S.Prabhu vs Sayed Babalal H.** [(2010) 5 SCC 663] within a period of two weeks from today. Only on depositing such amount, the judgment and conviction passed by the Court's below shall stand quashed and set aside by allowing the parties to compound the offence.

6. First Appeal No.108 of 2017 is permitted to be withdrawn and accordingly stands disposed of as parties are settling the dispute amicably.

7. Criminal Writ Petition stands disposed of in view of the Consent Terms filed on record.
8. Keep the matter only for compliance on 18/03/2024.
9. The appellant in First Appeal is present in person. Original property documents are now handed over the applicant by name Kalidas Kashinath Raikar.

BHARAT P. DESHPANDE, J

MEENA
VISHAL
BHOIR

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by MEENA
VISHAL BHOIR
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