

shakuntala

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL MISC. APPLICATION NO.574 OF 2024 (F)
WITH
CRIMINAL MISC. APPLICATION NO.38 OF 2024
CRIMINAL MISC. APPLICATION NO.574 OF 2024 (F)
IN
CRIMINAL REVISION APPLICATION NO.20 OF 2024

SUDIN MARUTI VINSULKAR

... APPLICANT

Versus

SHIRODA URBAN CO OP CREDIT
SOCIETY LTD REP. ITS ASST. BR.
MANAGER MAHESH NAIK AND ANR

... RESPONDENTS

WITH
CRIMINAL MISC. APPLICATION NO.38 OF 2024
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THE SHIRODA URBAN COOP SOCIETY LTD
REP BY ASST. BRANCH MANAGER MAHESH
NAIK AND ANR

... RESPONDENTS

Ms. Shaizeen Shaikh, Advocate for the Applicant.

Ms. Sanjana Kakodkar, Advocate for the Respondent No.1.

Mr. Somnath Karpe, Additional Public Prosecutor for Respondent
No.2.

CORAM:- BHARAT P. DESHPANDE, J.

DATED :- 3rd July, 2024

P.C.

1. Heard Ms. Shaikh for the Applicant and Ms. Kakodkar for
Respondent No. 1.

2. This is an application for a reduction of 15% of the cheque
amount to be deposited as per the decision of the Apex Court in the

case of Damodar S. Prabhu Vs.Sayed Babalal H. reported in (2010) 5 SCC 663. Since the matter is already compounded between the parties and the amount is deposited with the society.

3. Mr. Shaikh submits that the applicant is in financial difficulty and he has obtained a loan to clear the present amount.

4. From the perusal of the application, it shows that Applicant is 31 years old. No details are disclosed in the application as to the income of the Applicant. Though Ms. Shaikh submits that he is working in private company.

5. The discretion as mentioned in the case of Damodar Prabhu(supra) has to be exercised judiciously and not only by asking.

6. The Applicant who is 31 years old is certainly able to work and deposit such an amount since the application for compounding is filed before this Court.

7. The application, therefore, stands rejected.

8. Ms. Shaikh submits that the applicant will deposit the amount within 2 weeks. Once such amount is deposited, place the matter for orders with regard to compounding.

BHARAT P. DESHPANDE, J.