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IN THE HIGH COURT OF BOMBAY AT GOA

**CRIMINAL MISC. APPLICATION NO. 65 OF 2025
IN
CRIMINAL REVISION APPLICATION NO. 583 OF 2025 (F)**

Mr Barkelo Damodar Gaonkar
S/O Damodar Gaonkar
Aged 37 yrs, R/O,HNO: 857,
Vagon Codli, Dharbandora,
Ponda-Goa P.O 403406
(Presently judicial custody lodged
in Colvale Cenrtal jail)

THROUGH NEXT FRIEND

Mr Damaodar Gaonkar
Major of Age, R/O,HNO: 857,
Vagon Codli, Dharbandora,
Ponda-Goa P.O 403406.

... Petitioner.

Versus

1. V.P.K Urban Co-Op. CR. Society Ltd,
with its head office at Mardol, Ponda- Goa,
Duly represented herein by it's authorized
officer,

Mr. Siddesh Madkaikar,
Son of Thanu Madkaikar, age 35 years,
C/o V.P.K Urban Co-Op. CR. Society Ltd,
office at near Municipal Garden,
Sumit Classic Bldg.,
Ponda-Goa, 403401.

2. STATE OF GOA
(The Public Prosecutor)
High Court of Bombay
Porvorim Goa.

... Respondents.

Mr. Ashay Priolkar, Advocate for the Petitioner.

Mr. Omkar Thakur, Advocate for Respondent No.1. (through V.C.)

Mr. Gaurish Nagvenker, Additional Public Prosecutor for Respondent No.2.

CORAM: VALMIKI MENEZES, J.

DATED: 30th June, 2025

P.C:

1. Registry to waive office objections and register the matter.
2. This is an application for suspension of sentence imposed upon the Applicant by order dated 20.04.2023 passed by the J.M.F.C., 'C' Court, Ponda in Criminal Case No. OA/NI/169/2021/C. By this order, the Magistrate has convicted the Applicant for offence under Section 138 of N.I. Act and sentenced him to undergo imprisonment of 2 months and awarded compensation of Rs.47,000/- and in default to undergo further imprisonment of 1 month.
3. The Applicant challenged this order in CRIA/269/2023 which was dismissed by the Sessions Court, Tiswadi, sitting at Ponda, by order dated 19.11.2024 confirming the order of the Magistrate. The Sessions Court, whilst dismissing the Appeal directed the Applicant to surrender before the J.M.F.C., Ponda to serve his sentence on 30.11.2024 at 2:30 p.m. However, the Applicant did not surrender on

the said date and was arrested under a warrant to execute the sentence on 26.06.2025, and is presently lodged at the Colvale Central Jail undergoing his sentence.

4. The Applicant submits that he had actually deposited the entire compensation amount of Rs.47,000/- with the Respondent Cooperative Credit Society on 20.05.2023 and which was produced in the form of two cash deposit receipts dated 20.05.2023, respectively for the amount of Rs.46,450/- and Rs.550/-. Consequently, the Applicant has paid the entire compensation amount and no further payment is due.

5. Considering these facts, the sentence imposed upon the Applicant by order dated 20.04.2023 of the J.M.F.C. in Criminal Case No.OA/Ni/169/2021/C stands suspended on the Applicant executing a PR Bond of Rs.6,000/- before the Superintendent, Colvale Central Jail. On his release, the PR Bond shall be remitted by the Superintendent, Colvale Central Jail, to the J.M.F.C., 'C' Court, Ponda.

6. Application stands disposed of in the above terms.

7. Parties to act on the authenticated copy of this order.

VALMIKI MENEZES, J.