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IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISC. APPLICATION NO.75 OF 2025

IN

CRIMINAL REVISION APPLICATION NO.668 OF 2025 (F)

MAHADEV GAONKAR

... APPLICANT

Versus

**THE BICHOLIM MERCHANT URBAN
CO-OPERATIVE CREDIT SOCIETY LTD.
REP. ITS AUTH. RECOV. OFFICER AND
ANR**

... RESPONDENTS

Ms. Y. Shinde, Advocate for the Applicant.

Mr. S. Karpe, Additional Public Prosecutor for the State.

CORAM:- VALMIKI MENEZES, J.

DATED :- 23rd July, 2025

P.C.:

1. Not on Board. Taken on Board.
2. Registry to waive objections and register the matter.
3. This is an application for suspension of sentence imposed upon the Applicant on being convicted by the J.M.F.C., Bicholim in

Criminal Case No.OA/733/2021/A. By an order dated 19.10.2022; the Applicant has been convicted for an offence under Section 138 of the N.I. Act and directed to pay a compensation of Rs.2,40,000/- to the Complainant/Respondent No.1 herein and in default, to undergo simple imprisonment of 6 months.

4. The Applicant filed an appeal before the Sessions Court which was beyond the period of limitation, and with a delay of 719 days. The application for condonation of delay came to be dismissed by the Sessions Court on 25.02.2025. Hence, the present revision application has been filed. Pending the revision application, the Applicant, apprehending execution of the order of the Magistrate, has sought suspension of the sentence.

5. The Applicant has submitted that the entire compensation amount has been deposited with the Respondent No.1 Bank on 04.07.2025. The Bank has issued a No Dues Certificate dated 04.07.2025 by stating that the Applicant has cleared the entire loan of Rs.2,00,000/-. A statement has been made in the petition by the Petitioner that though No Dues Certificate has been issued to state that the loan of Rs.2,00,000/- has been cleared, Applicant has actually deposited an amount of Rs.2,40,000/- being the entire compensation amount.

6. Under these circumstances, the default sentence to undergo imprisonment of 6 months imposed upon the Applicant shall stand

suspended until further orders of this Court.

7. Application stands disposed of.

VALMIKI MENEZES, J.