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IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISC. APPLICATION NO.96 OF 2025

WITH

CRIMINAL MISC. APPLICATION NO.89 OF 2025

CRIMINAL MISC. APPLICATION NO.96 OF 2025

SHAINE ALEXIUS FERNANDES

... APPLICANT

Versus

THE MADGAUM URBAN CO OP BANK LTD

... RESPONDENTS

WITH

CRIMINAL MISC. APPLICATION NO.89 OF 2025

IN

CRIMINAL REVISION APPLICATION NO.32 OF 2025

SHAINE ALEXIUS FERNANDES

... APPLICANT

Versus

THE MADGAUM URBAN CO OP BANK LTD

... RESPONDENTS

Mr. Nehal Govekar with Mr. Harish Dessai and Mr. S. Kamulkar,
Advocates for the Applicant.

Mr. S. Karpe with Mr. A. Shirodkar, Advocates for the Respondent.

CORAM:- VALMIKI MENEZES, J.

DATED :- 15th September, 2025

P.C.:

1. Registry to waive office objections and register the matters.
2. Pursuant to order dated 19.08.2025, the Applicant has today deposited an amount of Rs.50,000/- with the GSLSA comprising of the penalty amount as a prerequisite for compounding the offence.

3. The Applicant was convicted by the Court of the J.M.F.C., Panjim by order dated 30.03.2023 passed in Criminal Case No. OA/305/NIA/2018/C, by which the Applicant was convicted of the offence under Section 138 of the N.I. Act. The Applicant was directed to undergo simple imprisonment of 15 days and to pay compensation of Rs. 14,00,000/- and in default to undergo further simple imprisonment of 4 months.

4. The order of imposing sentence was challenged before the Sessions Court in Criminal Appeal No. 143/2023 which was ultimately dismissed on 04.09.2023, against which the present Criminal Revision Application has been filed. The Applicant has deposited the entire compensation of Rs. 14,00,000/- directly into the account of the Respondent Cooperative Bank. The Respondent Bank has issued a No Dues Certificate dated 04.09.2024 as proof of the entire payment having been received. The penalty amount in terms of the Judgement of the Hon'ble Supreme Court in Damodar S. Prabhu v. Sayed Babalal H, (2010) 5 SCC 663, has also been deposited today.

5. In the light of the above facts, the Applicant stands acquitted of the offence under Section 138 of the N.I. Act.

6. The Criminal Revision Application stands disposed of.

7. All pending Misc. Applications stand disposed of in view of the

order passed in the Criminal Revision Application.

VALMIKI MENEZES, J.