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IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL REVISION APPLICATION NO.34 OF 2024

MAHESH VASANT SAWANT

... APPLICANT

Versus

**THE DEENDAYAL NAGARI SAHAKARI PATH
SAUNSTHA MARYADIT, REP. AUTH.
OFFICER NAMITA MASURKAR AND ANR**

... RESPONDENTS

Mr. Sagar Dhargalkar, Advocate for the Applicant.

Mr. Yashwant Ghatwal, Manager of Respondent No. 1.

CORAM:- VALMIKI MENEZES, J.

DATED :- 18th March, 2025

P.C.:

1. This is an application for compounding of the offence under Section 138 of the Negotiable Instruments Act, of which the Applicant was convicted by the Judicial Magistrate First Class at Quepem in Criminal Case No. 21/OA/NIA/2021/B, by its order dated 30.01.2023.

2. The compounding application has been signed by Mr. Yeshwant Ghatwal, Manager of Respondent's Cooperative Society, who is present in the Court and admitted that the entire compensation directed to be paid by the Judicial Magistrate First Class is paid by the Applicant by directly depositing the same in the Respondent's Bank. Considering that the entire compensation has been paid, the matter can

be compounded. However, in view of the Judgment passed by the Hon'ble Supreme Court in the case of Damodar Prabhu Vs Sayed Babalal H., reported in (2010)5 SCC 663, for compounding of the offence, an amount of 15% would have to be deposited by the Applicant with the Goa State Legal Services Authority (GSLSA).

3. The Applicant has filed today his affidavit seeking a waiver on depositing of the aforesaid amount, on the ground that his wife has suffered a seizure and as a result of a fall had a fracture of the lower distal end of the radius. The Applicant states in the affidavit that he has incurred substantial expenditure towards the treatment of his wife and has financial difficulty to raise the said amount corresponding to 15% of the compensation to be paid. He accordingly seeks waiver of the same. Considering the statement made in the affidavit by the Applicant, I am of the view that instead of insisting upon depositing the entire 15% of the compensation, this Court can waive part of the amount for the reasons stated in the affidavit. The Applicant is directed to deposit an amount of Rs. 10,000/-(Ten Thousand only) during the course of the day. The GSLSA is directed to accept this amount. On the amount being deposited, a copy of the receipt to be placed on the record of this Criminal Revision Application. The Applicant shall stand acquitted of the offence under Section 138 of the Negotiable Instruments Act.

4. The Criminal Revision Application stands disposed of. Any Civil

Application pending in this matter is also disposed of.

VALMIKI MENEZES, J.