



Maria S.

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISC. APPLICATION NO.78 OF 2024

IN

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 Shailendra Bhobe, Public Prosecutor for Respondent No.2.

CORAM:- VALMIKI MENEZES, J.

DATED :- 6th February, 2025

P.C.

This is an application for suspension of a sentence imposed on the Applicant pursuant to an order of compensation dated 30.01.2023 passed by the JMFC at Quepem in Criminal Case No.21/OA/NIA/2021/B. The JMFC at Quepem has convicted the Applicant of the offence under Section 138 of the Negotiable Instruments Act, 1881 and sentenced him to undergo imprisonment of three months and to pay compensation of Rs.1,87,000/- to be paid to the complainant within one month, and in default of payment of compensation, undergo imprisonment of three months.

2. The order of the Magistrate was challenged in Criminal Appeal No.197/2023 before the Sessions Court, South Goa at Margao. The Sessions Court dismissed the Appeal on 13.08.2024. However, the

Applicant was not taken into custody nor was the concerned Magistrate directed to issue any warrant to the Applicant to ensure his custody.

3. The Criminal Revision Application No.78/2024 has been filed before this Court on 24.10.2024. In the meantime, the Applicant has deposited the entire amount of compensation of Rs.1,87,000/- with the Respondent No.1 Bank and a certificate to that effect has been issued by the Bank on 06.02.2025. The Applicant is taken into custody today, i.e. 06.02.2025 in the execution of a warrant issued by the concerned Magistrate.

4. Considering that the Applicant has deposited the entire amount of compensation with Respondent No.1, this would be a fit case to suspend the sentence imposed upon the Applicant by order dated 30.01.2023 of the JMFC, Quepem on the Applicant furnishing to the Superintendent, Colvale Central Jail a PR bond of Rs.10,000/- to ensure his release and, thereafter, the Applicant shall furnish a bail bond of Rs.10,000/- with a surety in the like amount before the JMFC, Quepem by 18.02.2025.

5. The application stands disposed of.

6. Parties to act on an authenticated copy of this order.

VALMIKI MENEZES, J.