Suchitra

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISC. APPLICATION NO.1202/2026 (F)
IN
CRIMINAL WRIT PETITION NO.228/2026

VINAY T. MAMLEKAR … APPLICANT

Versus.

ROCKY ANDRADE AND ANR. … RESPONDENTS

Mr Samuel Abraham, Advocate for the Applicant.
Mr Tarun Rebello, Advocate for the Respondent No.1.
Mr. Pravin Faldessai, learned Additional Public Prosecutor for Respondent No.4.

CORAM: ASHWIN D. BHOBE, J.

DATED: 30th OCTOBER 2026

P.C. :

1. Heard, Mr Samuel Abraham, learned Advocate for the Applicant and Mr Tarun Rebello, learned Advocate for the Respondent No.1 and Mr Pravin Faldessai, learned Additional Public Prosecutor for Respondent No.4.

2. By this petition, the Applicant (Accused), who was convicted under Section 138 of the NI Act, 1881, by the Judgment and Order dated 16.01.2025 passed by the Judicial Magistrate First Class in Criminal Case No. OA No.18/2022/F and sentenced to undergo simple imprisonment for 10 months

and to pay compensation of Rs.3,45,000/-, is before this Court by the Criminal Writ Petition No. 228 of 2026 assailing the Order dated 04.08.2025 passed by the Additional Sessions Judge, North Goa Merces, in Criminal Misc. Application No. 109 of 2025, by which the Application for condonation of delay in filing the Criminal Appeal against the conviction was rejected by the Sessions Court.

3. Mr Samuel Abraham, learned Advocate for the Applicant, states that during the pendency of Criminal Writ Petition No. 228 of 2026, the Applicant and Respondent No.1 have amicably resolved the dispute in Criminal Case No. OA No.18/2022/F. Mr Tarun Rebello, learned Advocate for the Respondent No. 1 confirms the statement made by Mr Samuel Abraham, learned Advocate for the Applicant.

4. Mr Samuel Abraham, learned Advocate for the Applicant, states that the entire amount of Rs. 3,45,000/- has been deposited in Court and that the Applicant has no objection to the Respondent withdrawing the said amount.

5. Mr Samuel Abraham, learned Advocate for the Applicant and Mr Tarun Rebello, learned Advocate for the Respondent No. 1, state that the parties, by this Application i.e. CRMA No. 1202 of 2026 (F), filed under Section 147 of the NI Act, seek compounding of the offence, i.e. the subject matter of Criminal Case No. OA No.18/2022/F.

6. Mr P. Faldessai, learned Additional Public Prosecutor for the State, does not oppose the request to compound the offence which is the subject matter of Criminal Case No. OA No.18/2022/F.

7. In view of the statements made by Mr Samuel Abraham, learned Advocate for the Applicant and Mr Tarun Rebello, learned Advocate for the Respondent, the parties are permitted to compound the offence, i.e. the subject matter of Criminal Case No. OA No.18/2022/F.

8. Criminal Misc. Application No.1202/2026 (F) is allowed in terms of prayer clause (a). Consequently, the Judgment and Order dated 16.01.2025 passed by the Judicial Magistrate First Class in Criminal Case No. OA No.18/2022/F is quashed and set aside. The Applicant stands acquitted in Criminal Case No. OA No.18/2022/F.

9. The Applicant is directed to pay the amount in terms of the decision in *Sanjabij Tari v/s. Kishore S. Borcar & Anr.*[1]. Mr Samuel Abraham, learned Advocate for the Applicant, on behalf of and on instructions of the Applicant, undertakes to deposit 7.5% of the cheque amount before the Appropriate Authority on or before 04.11.2026. Mr Samuel Abraham states that this matter be kept on 05.11.2026 for reporting compliance.

10. This order shall take effect only upon the Applicant

1 2025 SCC OnLine SC 2069

depositing 7.5% of the cheque amount, in accordance with the decision in *Sanjabij Tari* (supra).

11. Respondent is entitled to withdraw the amount of Rs.3,45,000/- deposited in Court by the Applicant by filing a formal application to that effect.

12. Mr Samuel Abraham, learned Advocate for the Applicant, states that the office objections raised by the Registry in Criminal Misc. Application No. 1202/2026 (F) shall be cleared by 03.11.2026. The statement is accepted.

13. Criminal Misc. Application No.1202/2026 (F) is disposed in the above terms.

14. In view of the disposal of Criminal Misc. Application No.1202/2026 (F), Mr Samuel Abraham, learned Advocate for the Applicant and Mr Tarun Rebello, learned Advocate for the Respondent, state that Criminal Writ Petition No.228/20206 is rendered infructuous. Criminal Writ Petition No.228/20206 is therefore disposed of as infructuous.

15. List Criminal Misc. Application No.1202/2026 (F) on 05.11.2026 under the caption "for reporting compliance".

ASHWIN D. BHOBE, J.

Signed by: SUCHITRA NANDAN SINGBAL
Designation: Personal Assistant
Date: 02/11/2026 09:40:15