vinita

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL REVISION APPLICATION NO.39 OF 2015

Anthony Trindade ...Applicant

Versus

Sukhdev Singh and Another ...Respondents

Mr Ryan Menezes and Ms M. Silva, Advocate for the Applicant.
Mr S. G. Bhobe, Public Prosecutor for the State.
Mr Terence Sequeira, Advocate for the Respondent No.1.

CORAM:- AMIT S. JAMSANDEKAR, J.

DATED :- 28th October, 2026

P.C.

1. The Applicant challenges Judgment & Order dated 27/04/2015 passed by the Ld. Additional Sessions Judge at Mapusa, Goa, dismissing Criminal Appeal No. 57/2014 filed by the Applicant, to challenge Judgment & Order dated 04/04/2014 & 13/042014 by which the Ld. Judicial Magistrate, First Class, at Mapusa, convicted the Applicant for the offence

punishable under Section 138 of the *Negotiable Instruments Act*, 1881, and sentenced to imprisonment for 4 months and pay compensation of Rs. 4,53,200/- to Respondent No. 1.

2. Respondent No. 1 expired during the pendency of this Criminal Revision Application, and legal representatives were brought on record as Respondent Nos. 1(a), 1(b) & 1(c), *i.e.*, Respondent Nos. 1(a) & 1(b) being his sons, and Respondent No. 1(c) being his daughter in law.

3. During the pendency of the appeal before the learned Additional Sessions Judge at Mapusa, the Applicant had deposited an amount of Rs.2,26,600/-. Pursuant to Orders dated 29/01/2026, 13/03/2026, 04/08/2026 and 16/10/2026, passed in the proceedings, this amount had been transferred to the Registry of this Court.

4. The Applicant had deposited an amount of Rs. 2,26,000/- pursuant to Order dated 28/04/2015 in Criminal Miscellaneous Application No. 105 of 2015,

in the Registry of this Court. This amount was invested by the Registry of this Court in a fixed deposit. Accordingly, the aggregate amount deposited, along with accrued interest, is Rs. 4,52,862/-.

5. Thus, the total amount, inclusive of the deposit made before the Court of the learned Additional Sessions Judge and now transferred to the Registry of this Court, stands deposited at Rs. 6,79,862/-.

6. The Applicant and Respondent Nos. 1(a), 1(b) & 1(c), have agreed to settle the controversy in the present Criminal Revision Application.

7. The parties have agreed that the Applicant shall pay an amount of Rs.7,50,000/-, inclusive of the amount of Rs. 6,79,862/-, *supra*.

8. The learned Advocate for the Applicant states, on instructions from the Applicant, that he has no objection to disbursing the amount deposited with the Registry of this Court to Respondent Nos. 1(a) & 1(b). Respondent Nos. 1(a) & 1(b) shall provide in

writing to the Registry of this Court, the details of their bank accounts, to which they desire to have the amounts disbursed to them remitted. The Registry of this Court shall transfer the amount of Rs. 6,79,862/-, to Respondent Nos. 1(a) and 1(b) in two equal shares, *i.e.*, 50% each, within a period of one week from today.

9. The Applicant shall pay the balance amount of Rs.70,538/- within a period of three weeks from today, i.e., on or before 19/11/2026 either by demand draft or by online transfer to their bank accounts, to Respondent Nos. 1(a) and 1(b) in two equal shares, *i.e.*, 50% each, within a period of one week from today. Upon payment of such amount, Respondent Nos. 1(a) to 1(c) shall have no further claim against the Applicant in respect of the amount for which the subject cheque was drawn.

10. Upon instructions, the learned Advocate for Respondent Nos. 1(a) to 1(c), who is the wife of Respondent No. 1(b), states that she has no objection

for the disbursement of the amount in equal shares to Respondent Nos. 1(a) and 1(b).

11. Upon instructions the Advocate for Respondent Nos. 1(a) to 1(c) states that Respondent Nos. 1(a) to 1(c) have no objection for compounding the offence under Section 138 of the Negotiable Instruments Act, 1881, for which the Applicant was convicted and sentenced.

12. Consequently, the said offence is allowed to be compounded, and the Judgment & Order dated 04/04/2026 & 13/04/2026 passed by the learned Judicial Magistrate, First Class, in Criminal Case No.358/NIA/P/2009/C the conviction and sentence thereby imposed upon the Applicant, as well as the Judgment & Order dated 27/04/2015 of the Ld. Additional Sessions Judge at Mapusa, Goa, passed in Criminal Appeal No. 57/2014, which they confirmed and upheld, are quashed and set aside, and the Applicant is acquitted of the said offence

under Section 138 of the Negotiable Instruments Act, 1881.

13. The Applicant has filed a detailed affidavit setting out his personal and financial circumstances. Having regard to his advanced age, medical condition, his wife's continuing disability and medical requirements, and the absence of a regular income and substantial assets of his own, he seeks the exercise of discretion by this Court in terms of the judgment of the Hon. Supreme Court in ***Rajeev Khandelwal v. State of Maharashtra & Anr., 2025 LiveLaw (SC) 1103***. It is submitted on his behalf that the imposition of costs would cause hardship disproportionate to his actual financial capacity. Having considered the affidavit and the submissions advanced on behalf of the Applicant, this Court directs the Applicant to deposit costs quantified at Rs.5000/- (Five Thousand Only) to the High Court of Bombay at Goa Employees Co-

operative Credit Society Limited on the following Bank Account:-

a. Account No.:- 42838649927
b. Bank:- State Bank of India, Treasury Branch, Panaji, Goa
c. IFSC Code:- SBIN0008851

14. These costs shall be paid within a period of two weeks from today.

15. The Criminal Revision Application stands disposed of in the above terms. All pending Applications, if any, stand disposed.

16. However, it is made clear that if the amount of Rs.70,538/- is not paid within a period of three weeks from today, or the costs as ordered is not paid within two weeks from today, then this present appeal shall stand dismissed and the Judgments & Orders passed by the Courts below shall be restored.

17. **List for compliance on 25.11.2026.**

18. This order will be digitally signed by the Private Secretary/Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[AMIT S. JAMSANDEKAR,J.]

Signed by: VINITA VIKAS NAIK
Designation: Private Secretary
Date: 31/10/2026 12:12:45