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IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL REVISION APPLICATION NO.20 OF 2022

WITH

CRIMINAL MISC. APPLICATION NO.43 OF 2022

CRIMINAL REVISION APPLICATION NO.20 OF 2022

ANANT DATTARAM PRABHU
(PREST. IN JUDICIAL CUSTODY,
CENTRAL JAIL) BY
NEXT FRIEND DATTARAM
A. PRABHU ... APPLICANT

Versus

STATE OF GOA THR. POLICE
INSPECTOR COLLEM
POLICE STATION ... RESPONDENTS

WITH

CRIMINAL MISC. APPLICATION NO.43 OF 2022

ANANT DATTARAM PRABHU
(PREST. IN JUDICIAL CUSTODY,
CENTRAL JAIL) BY NEXT
FRIEND DATTARAM A. PRABHU ... APPLICANT

Versus

STATE OF GOA THR.
POLICE INSPECTOR
COLLEM POLICE STATION ... RESPONDENTS

Mr. Ryan Menezes, Advocate for the Applicant.
Mr Pravin Faldessai, Addl. Public Prosecutor for the Respondent No.1.
Ms. Samiksha Vaigankar, Advocate for Respondent No. 2.

CORAM:- AMIT S. JAMSANDEKAR, J.

DATED :- 30th October, 2026

P.C.

1. Heard Mr. Menezes, learned Counsel for the Applicant.

2. By the present Application, the Applicant has challenged the judgment and order dated 9.5.2022 passed by the learned Sessions Judge, South Goa, Margao, Goa, in Criminal Appeal No. 15/2021. By the impugned judgment and order, the learned Sessions Judge confirmed the judgment and order passed by the learned Judicial Magistrate First Class, Sanguem, in Criminal Case No. 44/S/2018.

3. The offence was registered and, consequently, the charge-sheet was filed against the Applicant for the offences punishable under Sections 279 and 338 of the Indian Penal Code (IPC). The Applicant was tried, and the learned Judicial Magistrate First Class, by order dated 28.01.2021, was pleased to pass the following order:-

> *"1. The Accused is convicted of the offences punishable under Sections 279 and 338 of Indian Penal Code in view of Section under Section 255(2) of Criminal Procedure Code.*
>
> 2. *The Accused is sentenced to undergo simple imprisonment for one month for the offence punishable under Section 279 of I.P.C.*
>
> 3. *The Accused is sentenced to undergo simple imprisonment for three months for the offence punishable under Section 338 of I.P.C.*
>
> 4. *The Accused shall pay fine of Rs.1000/- for the offence punishable under Section 279 of Indian Penal Code. If the fine amount of Rs. 1,000/- is realized, then the same shall be forfeited to*

the Government after the expiry of appeal period. In default of payment of fine amount of Rs.1,000/-, the Accused to undergo simple imprisonment for another one month.

5. *The Accused shall pay compensation of Rs.20,000/- (Rupees twenty thousand only) to the injured witness CW-4; Dhaklo s/o. Dadu Hedgo, age 28 years. R/o. Gawaliwada, Mollem, Dharbandora, Goa in respect of the offence punishable under section 338 of Indian Penal Code Vide Section 5 (1) (a) of Probation of Offenders Act and Section 357 of the code of criminal procedure within a period of one month from today. If the compensation amount of Rs.20,000/- (Rupees twenty thousand only) is realized, the same shall be paid to CW-4 after the expiry of appeal period. In default of payment of compensation amount of Rs.20,000/- (Rupees twenty thousand only) within a period of one month from today, the Accused shall suffer simple imprisonment for another three months.*

6. *All the substantive and default sentences shall run concurrently.*

7. *The Accused is extended benefit of Sections 3 and 4 of probation of offenders Act, 1958 as regards substantive sentences of imprisonments imposed for the offenses punishable under Sections 279 and 338 and he is released on his entering into a bond, with one surety in sum of Rs.10,000/- to maintain peace and of good behavior for a period of six months starting from the date of the sentence and in case of breach, the Accused to appear and receive sentence when called upon by court during said period of six months.*

8. *The Accused is directed to appear before the Hon'ble Appellate Court as and when such Court issues notices in respect of any appeal or petition filed against this judgment.*

9. *The Accused is directed to furnish bond of Rs.5,000/- with one surety in the like amount which shall continue to remain in force for a*

period of 6 months from today in terms of Section 437-A of Code of Criminal Procedure as amended."

4. Thus, it is evident that the Applicant was extended the benefit of Sections 3 and 4 of the Probation of Offenders Act, 1958. In addition, the Applicant was directed to pay compensation of Rs.20,000/- to the victim. The learned Sessions Judge stayed the requirement of furnishing the bond during the pendency of the appeal proceedings.

5. However, the Applicant failed and neglected to deposit the amount of Rs.20,000/- towards compensation payable to the victim, which led to the filing of the present Revision Application. It is not in dispute that the Applicant has complied with the requirements of the provisions of the Probation of Offenders Act and that the only non-compliance was with regard to the payment of compensation of Rs.20,000/-. It is, however, brought to the notice of this Court that the Applicant has subsequently deposited the said amount of Rs.20,000/- towards compensation.

6. In view of the above, the requirement of furnishing the bond, as directed by the learned JMFC, is waived. However, the Applicant shall pay an additional amount of Rs.25,000/- to the victim over and above the amount of Rs.20,000/- already deposited.

7. The Registry is directed to remit the amount of Rs.20,000/-, along with the accrued interest thereon, in favour of Respondent No. 2. The bank

details furnished by Respondent No. 2 are taken on record.

8. The Applicant shall directly pay the additional amount of Rs.25,000/- to Respondent No. 2 within a period of three weeks from today.

9. Consequently, the Criminal Revision Application stands disposed of. Pending Applications, if any, also stand disposed of.

10. List the matter on 25.11.2026 for compliance.

11. 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: 02/11/2026 14:57:27