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IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL REVISION APPLICATION NO. 228 OF 2026
WITH
CRIMINAL MISC. APPLICATION NO. 270 OF 2026
IN
CRIMINAL REVISION APPLICATION NO. 228 OF 2026

SARVESH KRISHNA VELIP … **APPLICANT**

~ VERSUS ~

THE JANSEVA URBAN CO-OPERATIVE CREDIT SOCIETY LTD. … **RESPONDENT**

APPEARANCES:

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for the Applicant ***Mr. Vithal S. Naik***

CORAM : AMIT S. JAMSANDEKAR, J.

DATED : 5th NOVEMBER 2026

P.C:

1. By the present Application, the Applicant is challenging the judgment and order dated 22.07.2025 passed by the learned Judicial Magistrate

First Class, Sanguem (***JMFC***) in Criminal Case No. 47/OA/NIA/ 2023 and the judgment and order dated 31.08.2026 passed by the learned Additional Sessions Judge-2, South Goa, Margao (***Sessions Judge***) in Criminal Appeal No. 84 of 2025 i.e. the proceedings originated from a complaint filed by the Respondent, the Janseva Urban Co-operative Credit Society Ltd. (***Society***) under Section 138 of the Negotiable Instruments Act, 1881 (***N.I. Act***).

2. I have heard Mr. Vithal Naik, learned Counsel appearing for the Applicant and perused the record.

3. Admittedly, the Applicant is a Member of the Society and availed a loan facility of Rs.15 Lakhs. The Applicant has also executed a loan agreement, which is not in dispute. The Society disbursed the loan to the Applicant, which fact is also not disputed. The Applicant defaulted in repaying the loan. Therefore, the Society presented the cheque for encashment given by the Applicant towards payment of the loan; however, the same was dishonoured due to "Insufficient Funds" in the Bank Account of the Applicant.

4. Consequently, the Society sent a notice under Section 138 of N.I. Act. The Applicant did not reply to the said notice and therefore, the complaint was filed by the Society before the JMFC, Sanguem. The Applicant appeared before the learned JMFC, Sanguem and pleaded not guilty; therefore, the proceedings continued.

5. The evidence on record establishes that the Applicant has not disputed the facts, constituting an offence under Section 138 of the Negotiable Instruments Act. The Applicant has also not disputed the issuance of the cheque or the signature appearing thereon. The Applicant did not lead any evidence in defence during the trial, and his statement recorded under Section 313 of the Cr.P.C. contains a bare denial of the allegations.

6. The Society having established all the essential ingredients of an offence under Section 138 of the N.I. Act, the learned JMFC proceeded to convict the Applicant. The learned JMFC sentenced the Applicant to undergo simple imprisonment for 30 days and directed him to pay compensation of Rs.9,82,819/- to the Society, in default of

which he was directed to undergo simple imprisonment for a further period of 60 days.

7. The Applicant challenged the judgment and order of conviction and sentence before the learned Sessions Judge at Margao by way of an Appeal. The learned Appellate Court, upon re-appreciating the evidence and examining the facts and circumstances of the case, dismissed the Appeal and upheld the judgment and order passed by the learned JMFC. Hence, the Applicant has preferred the present Revision Application before this Court.

8. The matter was heard on 30.10.2026. The Applicant sought urgent interim relief by making a statement that out of the total compensation amount of Rs.9,82,819/-, the Applicant shall deposit Rs.3,05,000/- in the Registry of this Court on 30.10.2026. On the basis of this representation, the sentence was suspended. However, the Applicant, after obtaining interim relief from this Court, failed to deposit this amount of Rs.3,05,000/- in the Registry of this Court.

9. The learned Counsel for the Applicant made several attempts to contact the Applicant; however, the Applicant has not responded to any of the calls made by him.

10. I have perused the record and the judgments and orders passed by the learned JMFC and the learned Sessions Judge.

11. The liability of the Applicant to repay the loan cannot be disputed in view of the fact that the loan agreement was executed by the Applicant. The issuance of the cheque and the signature thereon is not in dispute. In any case, the Society has established these facts during the course of the trial. There is nothing on record to rebut the presumption under Section 139 of the N.I. Act. The Applicant has not replied to the notice sent by the Society under Section 138 of the N.I. Act. The Applicant has not led any evidence in defence.

12. In view thereof, I find no substance in any of the grounds mentioned by the Applicant in the Revision Application. The judgments and orders passed by the learned JMFC and the Sessions Judge are in conformity with the evidence and in consonance with well-settled

principles of law. There is no arbitrariness or perversity in the impugned judgments and orders passed by the Courts below. The impugned judgments and orders are passed judiciously and upon due consideration of the evidence on record and in accordance with the settled principles of law. In addition, the conduct of the Applicant is a gross abuse of the process of law. The cheque was dishonoured on 27.04.2023 and since then, the proceedings arising therefrom have continued. The Applicant has misrepresented the facts and obtained relief from this Court by making false statements. The record clearly indicates that the Applicant has abused the process of law. Therefore, I am not inclined to interfere with the judgements and orders passed by the learned JMFC and learned Sessions Judge. Consequently, the **Revision Application stands dismissed**.

13. The P.I. of the Sanguem Police Station is ordered and directed to forthwith arrest the Applicant and produce him before the learned JMFC, Sanguem for serving the sentence as awarded by the learned JMFC, Sanguem on 24.07.2025 in Criminal Case No. 47/OA/NIA/ 2023.

14. During the pendency of the Appeal before the Sessions Judge, the Applicant has deposited Rs.1,96,564/-, which shall be remitted to the Respondent, the Janseva Urban Co-operative Credit Society Limited by the Superintendent of the Sessions Court, Margao, along with the accrued interest thereon. The Superintendent of the Sessions Court, Margao, shall remit this amount to the Society within a period of two weeks from today.

15. The Criminal Revision Application No. 228 of 2026 as well as Criminal Miscellaneous Application No. 270 of 2026 stand disposed of.

16. 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: VAIGANKAR ESHA SAINATH
Designation: Personal Assistant
Date: 09/11/2026 18:12:15