



CNR NO. GANG010019512022

Presented on : 18.10.2022

Registered on : 20.10.2022

Decided on : 18.03.2023

Duration : Days Months years
26 04 --

**IN THE COURT OF ADDITIONAL SESSIONS
JUDGE, FTC, NORTH GOA, MAPUSA.**

(Before: Smt. Sharmila Patil, Additional Sessions Judge,
FTC, North Goa, Mapusa)

Criminal Appeal No.134/2022

Mr. Bablo Vasudev Morlekar,
Son of Shri. Vasudev Morlekar,

51 years of age, self employed,
Indian national and
Residing at House No.31,
New wada, Pilgao,
Bicholim – Goa. ... Appellant

Versus

The Bicholim Merchant Urban Co-operative
Credit Society Ltd., A Co-operative
Credit Society, having its Head Office
At “Sahayog”, New Market,
Bicholim, Goa, represented by its
Recovery Officer Shri Mukund Kashinath Naik
53 years of age, in service,
Indian national and
Resident of House No.31,
New wada, Pilgao,
Bicholim Goa. ... Respondent

Appellant represented by learned Advocate Shri K. Verekar.

Respondent represented by learned Advocate Shri R. Gawas.

J U D G M E N T

(Delivered on this the 18th day of the month of March of the year, 2023)

1. This is an Appeal filed by the accused/appellant under Section 374 of the Code of Criminal Procedure (in short, the Cr.P.C.) against the Judgment, Order dated 08.09.2022 and sentence dated 26.09.2022 (shall be hereinafter referred to as the impugned Judgment) passed by the Learned J.M.F.C. Bicholim Goa (shall be hereinafter referred to as the Ld. Magistrate) in Criminal Case No.164/NIA/2021/A.

2. The respondent was the complainant and the appellant was the accused before the Ld. Magistrate and thus, shall be referred to as per their status before the Ld. Magistrate.

3. After recording evidence and hearing arguments, the Ld. Magistrate concluded that the complainant had proved that the cheque was issued for a legally enforcea-

ble debt and that the accused has committed offence under Section 138 of the Negotiable Instruments Act and thus, passed the impugned Judgment and convicted the accused and sentenced him to undergo simple imprisonment for the period of three months and to pay compensation of Rs.85,000/- (Rupees Eighty Five Thousand Only) to the complainant.

4. Being aggrieved by the impugned Judgment the accused is before this Court on the grounds mentioned in para 2 of the appeal Memo.

5. During the course of the proceedings, the complainant and the accused has compounded the case and have jointly filed application at exhibit 8 for compounding the offence which came to be granted by this Court.

6. Since, the offence stands compounded, the accused needs to be acquitted.

7. Hence, the following:

O R D E R

- a) The accused stands acquitted for the offence punishable under Section 138 of the Negotiable Instruments Act, and is set at liberty.
- b) The bail bonds of the accused shall stand discharged.

Pronounced in the open Court.

(Sharmila A. Patil)
Addl. Sessions Judge,
FTC, North Goa,
M A P U S A

Us*