

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).5735/2008

(From the judgement and order dated 21/07/2008 in CRLA No. 57/2006 of The HIGH COURT OF BOMBAY AT PANAJI)

BABAN ANANT NAIK

Petitioner(s)

VERSUS

SHYAMSUNDAR BABU NAIK DESSAI

Respondent(s)

(With appln(s) for ex-Parte stay

Date: 18/08/2008 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ALTAMAS KABIR  
HON'BLE MR. JUSTICE MARKANDEY KATJU

For Petitioner(s)

Mr. Saurabh Mishra,Adv.

For Respondent(s)

UPON hearing counsel the Court made the following  
ORDER

T

(Ganga Thakur) (Juginder Kaur)  
P.S. to Registrar Court Master  
IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1303 OF 2008  
(Arising out of SLP(Crl.) No.5735/08)

BABAN ANANT NAIK

...APPELLANT(S)

Versus

SHYAMSUNDAR BABU NAIK DESSAI

..RESPONDENT  
(S)

ORDER

Leave granted.

This appeal is directed against the Judgment dated 21 st  
July, 2008, passed by the High Court of Bombay at Goa in

Criminal Appeal No.57/06, setting aside the judgment of the learned Sessions Court, South Goa, Margao, allowing the appeal and setting aside the conviction and sentence imposed by the learned Judicial Magistrate, First Class, Canacona.

At the very initial stage, when the Special Leave Petition was moved, learned counsel for the petitioner submitted that the parties had compromised the matter between themselves and since this was an offence under Section 138 of the Negotiable Instruments

-2-

Act, the same was compoundable under Section 147 of the said Act. Besides hearing learned counsel for the appellant, we have also heard the respondent in person, and we are satisfied that the matter has been compromised between the parties. An affidavit to that effect affirmed by the respondent has also been filed. Let the same be kept on record and having regard to the compromise arrived at, we allow the appeal and set aside the order of conviction and the sentence imposed by the learned Judicial Magistrate, First Class, Canacona.

.....J.  
( ALTAMAS KABIR )

.....J.  
( MARKANDEY KATJU )

New Delhi,  
August 18,2008.