

IN THE HIGH COURT OF BOMBAY AT GOA
STAMP NUMBER MAIN NO.1045/2020
WITH
LD-VC-CRI-2-2020

Pradeep Gawas, thr. next friend
Prashant Shetye ... Petitioner

Versus

M/s. Supreme Agencies, rep. by
its POA Surendra Gauns and anr. ... Respondents

Mr. Salil Saudagar, Advocate for the Petitioner.
Mr. Samir Sawal Desai, Advocate for Respondent No.1.
Mr. P. Faldessai, Addl. Public Prosecutor for the State.

Coram:- M. S. SONAK, J.

Date:- 19th May, 2020

P. C.:

Heard Mr. Salil Saudagar for the Petitioner, Mr. Samir Sawal Desai for Respondent No.1 and Mr. P. Faldessai, Addl. Public Prosecutor for the State.

2. In pursuance to orders made by this Court, the petitioner has deposited an amount of ₹60,000/- in this Court. Learned counsel appearing for respondent no.1, on instructions, states that there is possibility that respondent no.1 will agree to settlement of the matter provided this amount of ₹60,000/- is paid to the respondent no.1.

3. The record indicates that even the learned Additional Sessions Judge had protected the petitioner subject to the deposit of ₹60,000/-. However, there was a delay on the part of the petitioner in depositing this amount. The application for condonation of delay was not opposed by respondent no.1 but the learned Additional Sessions Judge was of the opinion that the petitioner had indeed adopted a casual approach and was negligent in depositing this amount of ₹60,000/- within the prescribed period.

4. The material on record does indicate some casualness and negligence on the part of the petitioner. However, now that this amount is deposited and there is a possibility that the matter is settled, some indulgence is due to the petitioner. Indulgence is also due to the petitioner considering the prevalent situation in which, it might be difficult for the petitioner to arrange for funds.

5. Upon overall consideration of facts and circumstances, the impugned order dated 16.03.2020 dismissing petitioner's application for condonation of delay and seeking leave to deposit 20% of the amount which comes to ₹60,000/- is hereby allowed. This means that the sentence imposed upon the petitioner is to continue to remain suspended until the proceedings before the Additional Sessions Judge-1, Mapusa, Goa are concluded. The amount of ₹60,000/- deposited by the petitioner in this Court be transferred to the file of the

Additional Sessions Judge-1, Mapusa, Goa in Criminal Miscellaneous Application No.131 of 2019.

6. This petition is allowed in the aforesaid terms. The pending Criminal Miscellaneous Application No.131 of 2019 is also disposed of. There shall be no orders as to cost.

7. All concerned to act on the basis of an authenticated copy of this Order.

M. S. SONAK, J.

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