

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AT AURANGABAD.**

Criminal Revision Application No. 154 of 2014

Shivraj s/o. Narayan Telange,
Age : 36 years,
Occupation : Business,
R/o. Hatte Nagar, Latur,
District : Latur.

.. Revision Applicant
(Original accused)

versus

1. Somnath s/o. Dadarao Bhosale,
Age : 33 years,
Occupation : Business,
R/o. Hatte Nagar, Latur,
District : Latur.

2. The State of Maharashtra,
through Public Prosecutor,
High Court Bench at Aurangabad.

.. Respondents
(No.1 - Original complainant)

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Mr. S.S. Rathi, Advocate, for the revision applicant.

*Mr. Rahul B. Bagul, Advocate, holding for
Mr. S.N. Morampalle, Advocate, for respondent no.1.*

*Mr. S.G. Nandedkar, Additional Public Prosecutor,
for respondent no.2 - State.*

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CORAM : SMT. SADHANA S. JADHAV, J.

DATE : 30TH MARCH 2015

ORAL JUDGMENT :

1. Heard Adv. Mr. S.S. Rathi for the revision applicant, Adv. Mr. R.B. Bagul h/f. Adv. Mr. S.N. Morampalle for respondent no.1, and the learned APP Mr. S.G. Nandedkar for respondent no.2 - State.
2. Rule. Rule made returnable forthwith with the consent of the parties.
3. The applicant herein was convicted for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881, by the learned 6th Judicial Magistrate (First Class), Latur, in S.T.C.C. No. 2706/2007, vide judgment and order dated 20th November 2009. The applicant was sentenced to suffer simple imprisonment for one year and to pay fine of Rs.2,000/-, in default of payment of fine, to suffer further simple imprisonment for two months. He was also directed to pay compensation to the tune of Rs. 95,950/- to the complainant.
4. Being aggrieved by the said judgment and order, the applicant herein had filed Criminal Appeal No. 88/2010, which was dismissed by the learned Additional Sessions Judge, Latur, vide judgment and order dated 24th June 2014.
5. The applicant herein, pursuant to the dismissal of the appeal, had surrendered to his bail bonds and was in jail for about 20 days. The substantive sentence was thereafter suspended and he was directed to be enlarged on bail.

6. Today, the parties have arrived at an amicable settlement and have filed Criminal Application seeking permission to compound the offence with the permission of the court. The learned Counsel for respondent no.1 also submits that the parties have amicably settled their disputes. In view of this, he prays that he has no objection for allowing the Revision Application. The contents of the Application have been verified by the complainant as well as the learned Counsel representing the complainant. The said Application is taken on record and marked as Article "X" for identification. In view of this, the Revision Application deserves to be allowed.

7. Hence, the Revision Application is allowed.

(A) The judgment and order dated 20th November 2009, passed by the learned 6th Judicial Magistrate (F.C.), Latur, in S.T.C.C. No. 2706/2007, and the judgment and order dated 24th June 2014, passed by the learned Additional Sessions Judge, Latur, in Criminal Appeal No. 88 of 2010, are quashed and set aside.

(B) The applicant herein is acquitted of the offence punishable under Section 138 of the Negotiable Instruments Act, 1881. Bail bonds furnished by the applicant stand cancelled.

(C) The amount of fine deposited by the applicant be returned to the applicant.

(4)

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8. Rule is made absolute in the above terms.

(SMT. SADHANA S. JADHAV)
JUDGE

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