

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

CRIMINAL REVISION APPLICATION NO. 110 OF 2003

Balkisan S/o Dhondiram Sikchi

Age : 52 Yrs., Occ. : Business

R/o : Opp. Vitthal Mandir,

Rangar galli Chowk, Beed,

Tq. and Dist. : Beed.

..... APPLICANT

V E R S U S

1. Ramesh S/o Bankatlal Ostwal

Age : 45 Yrs., Occ. Nil,

R/o : Samata Colony,

Majalgaon, Tq. Majalgaon,

Dist. : Beed.

2. The State of Maharashtra

..... RESPONDENTS

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Mr. M.K.Deshpande, Advocate for Applicant.

Mr. V.C.Patil h/f Mr. S.M.Godsay,
Advocate for R - 1.

Mr. S.A.Ambad, A.P.P. for R - 2.
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CORAM : V.M.DESHPANDE, J.

DATE OF JUDGMENT : 2nd MARCH, 2015

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ORAL JUDGMENT :

1. The present Revision Application is directed against the Judgment and Order of conviction dated 11/10/2000 passed by the learned Judicial Magistrate First Class, Majalgaon in S.C.C. No. 1069/1998, whereby the learned Magistrate convicted the present applicant for the offence punishable u/s 138 of the Negotiable Instruments Act, 1881 [hereinafter referred as the 'Act' for the sake of brevity] and directed to suffer Simple Imprisonment for a period of 3 months and also directed to pay fine amount of ₹ 3,000/- [Rupees Three Thousand], in default further Simple Imprisonment for 15 days. The applicant preferred Appeal bearing Criminal Appeal No. 27/2000 before the learned 2nd Additional Sessions Judge, Beed. The learned Additional Sessions Judge dismissed the said Appeal on 15/03/2003 and the applicant was taken into custody.

2. The present Revision Application was filed in the

year 2003. On 21/04/2003, this Court granted bail in favour of the present applicant. At the same time, it was observed by this Court that the applicant is willing to persuade the complainant for amicable settlement. In order to show his bonafides, the applicant has deposited ₹ 25,000/- [Rupees Twenty Five Thousand], also amount of ₹ 9,000/- [Rupees Nine Thousand] and further amount of ₹ 3,750/- [Rupees Three Thousand Seven Hundred Fifty] towards interest and compensation i.e. total amount of ₹ 37,750/- [Rupees Thirty Seven Thousand Seven Hundred Fifty] and the said amount is lying with the registry of this Court.

3. During the pendency of the present Revision Application, the applicant and respondent No. 1/original complainant have settled their dispute out of Court amicably. They have filed application to that effect, which is handed over across the bar today. The same is taken on record and is marked 'X' for identification. The said application is duly affirmed by the applicant/accused and respondent No. 1/original complainant. Their respective counsels have also stated in support of the said application.

4. By virtue of Section 147 of the Act, the offences under the Act are compoundable. The compounding can be taken place at any stage. Since the complainant has compounded the matter with the applicant, the orders passed by both the Courts below needs to be set aside as the matter being compromised. At the same time, respondent No. 1/original complainant is entitled to receive ₹ 37,750/-, which is lying in this Court in view of the order passed by this Court on 21/04/2003. The registry is directed to pay the said amount to respondent No. 1/original complainant.

5. In that view of the matter, the Judgment and Order of conviction dated 11/10/2000 passed by the learned Judicial Magistrate First Class, Majalgaon in S.C.C. No. 1069/1998 together with the Judgment and Order dated 15/03/2003 passed by the learned 2nd Additional Sessions Judge, Beed in Criminal Appeal No. 27/2000 are quashed and set aside.

6. With the above observation, the present Criminal Revision Application is allowed.

In view of the disposal of the present Revision

Application, Criminal Application No. 1147 of 2015 also stands disposed of.

[V.M.DESHPANDE, J.]

KNP/Crim. Revn. Apln. 110.2003 - [J]

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