

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

CRIMINAL REVISION APPLICATION NO.191 OF 2014

Anandrao s/o Hukaruji Shamkule ... APPLICANT

VERSUS

Sanjay s/o Ambadas Dabhade ... RESPONDENT

.....
Shri A.S. Gandhi, Advocate for petitioner
Shri V.M. Kagne, Advocate for respondent
.....

W I T H

CRIMINAL WRIT PETITION NO.942 OF 2014

Anandrao s/o Hukaruji Shamkule ... APPLICANT

VERSUS

Sanjay s/o Ambadas Dabhade ... RESPONDENT

.....
Shri A.S. Gandhi, Advocate for applicant
Shri V.M. Kagne, Advocate for respondent
.....

CORAM: N.W. SAMBRE, J.

DATED: 23rd October, 2015.

ORAL ORDER :

1. The parties to the revision and the writ petition have tendered proposal for compounding as they have compromised the matter in terms of the compromise executed on October 10, 2015.

2. The present proceedings are arising out of the conviction of the applicant in S.C.C. No.8697/2006, passed by Judicial Magistrate, First Class, Aurangabad for an offence punishable under Section 138 of the Negotiable Instruments Act read with Section 420 of the Indian Penal Code. The applicant is convicted by the learned trial Court, which was affirmed in appeal.

3. In view of the scheme of Section 420 of the Indian Penal Code read with Section 147 of the Negotiable Instruments Act, both the offences are compoundable. Hence, leave granted for compounding the offences.

4. In view thereof, it is appropriate that the revision application preferred by the applicant is allowed. In view of the compounding, conviction of the applicant is hereby set aside. Writ Petition also stands disposed of in terms of compromise tendered herein.

5. The respondent/ complainant would be at liberty to withdraw the amount deposited by the accused in the court below along with accrued interest.

(N.W. SAMBRE, J.)