

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

**CRIMINAL REVISION APPLICATION NO. 247 OF 2013
WITH
CRIMINAL APPLICATION NO. 4907 OF 2015**

Bharat s/o Bhimrao Adsul,
R/o. Itkur, Tq. Kallam,
Dist. Osmanabad

...Applicant

versus

1. The State of Maharashtra,
Through Investigation Officer,
Police Station Kallam,
Tq. Kallam, Dist. Osmanabad

2. Narayan Murlidhar Gambhire,
R/o. Itkur, Tq. Kallam,
Dist. Osmanabad

...Respondents

**WITH
CRIMINAL APPLICATION NO. 110 OF 2014**

Narayan Murlidhar Gambhire,
R/o. Itkur, Tq. Kallam,
Dist. Osmanabad

...Applicant

versus

1. The State of Maharashtra,

2. Bharat s/o Bhimrao Adsul,
R/o. Itkur, Tq. Kallam,
Dist. Osmanabad

...Respondents

.....
Mr. G. K. Kshirsagar, Advocate h/f Mr. R. V. Gore, Advocate for applicant
in revision and for respondent no. 2 in application.
Smt. M. S. Patni, A.P.P. for respondent/State
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CORAM : N.W. SAMBRE, J.

DATE : 8th SEPTEMBER, 2015

ORAL ORDER :

The applicant and respondent No. 2 are personally present in the Court, who are identified by their respective Counsel. Complainant-Respondent No. 2 Narayan acknowledges the receipt of cash of Rs. 50,000/- (Rs. Fifty Thousand) and has also intimation about the deposit of Rs. 70,000/- (Rs. Seventy Thousand) in the trial Court, which he will be permitted to withdraw the same in terms of affidavit in reply filed by him. Affidavit to that effect is already filed by the accused, so also the complainant.

2. In view thereof, Criminal Revision Application is allowed. The offence punishable under Section 138 of the Negotiable Instruments Act, is compounded. The judgment and order passed by the Learned Additional Sessions Judge, Osmanabad in Criminal Appeal No. 33 of 2006 on 30/11/2013 and conviction awarded by learned Judicial Magistrate First Class, Kallam on 18/07/2006 in Summary Criminal Case No. 54 of 2005, is quashed and set aside. The applicant is acquitted for the offence punishable under Section 138 of the Negotiable Instruments Act. In view of above Criminal Application No. 4907 of 2015 stands disposed of.

3. The application for withdrawal of the amount be moved before the competent Court, where the amount is deposited and the

said Court shall pass the appropriate order.

4. In view of above, Criminal Application No. 110 of 2014 for withdrawal of the amount, stands disposed of.

[N.W. SAMBRE, J.]