

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

**Criminal Revision Application No. 243 of 2014**

Madhav s/o. Govinda Patil,  
Age : 60 years,  
Occupation : Pensioner,  
R/o. Hanumannagar, Bhusaval,  
Taluka : Bhusaval,  
District : Jalgaon.

.. Petitioner  
(Original accused)

**versus**

1. Dhanraj Hiranman Narkhede,  
Age : 62 years,  
Occupation : Pensioner,  
R/o. Shantinagar, Bhusawal,  
Taluka : Bhusawal,  
District : Jalgaon.

2. The State of Maharashtra.

.. Respondents.

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*Mr. J.M. Murkute, Advocate, for the revision applicant.*

*Mrs. Rashmi S. Kulkarni, Advocate, for respondent no.1.*

*Mr. U.S. Mote, Additional Public Prosecutor, for  
respondent no.2 - State.*

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**CORAM : SMT. SADHANA S. JADHAV, J.**

**DATE : 7TH MAY 2015**

**ORAL JUDGMENT :**

1. Heard Adv. Mr. J.M. Murkute for the revision applicant, Adv. Mrs. Rashmi S. Kulkarni for respondent no.1, and learned APP Mr. U.S. Mote for respondent no.2 - State.

2. The applicant herein is convicted for offence punishable under Section 138 of the Negotiable Instruments Act, 1881, by the learned Judicial Magistrate (F.C.), Bhusawal, vide judgment and order dated 17th September 2010, in Summary Criminal Case No. 3522 of 2007. The applicant is sentenced to pay fine of Rs. 3,50,000/-, in default of payment of fine, to suffer simple imprisonment for five months. Out of the fine amount, Rs. 3,45,000/- were to be paid to the complainant as compensation as per Section 357 of the Code of Criminal Procedure, 1973.

3. The applicant being aggrieved by the said judgment and order, preferred Criminal Appeal No. 80 of 2014 before the Sessions Court at Bhusawal. The learned Additional Sessions Judge, Bhusawal, vide judgment and order dated 31st October 2014, has been pleased to dismiss the appeal. Hence, this revision application.

4. During the pendency of the present Revision Application, parties to the present Application have arrived at an amicable settlement and accordingly have filed terms of compromise before this Court. The terms of compromise are taken on record and marked as Article "X" for the purpose of identification. The respective Counsel submit that the parties to the present Application would abide by the terms of compromise and that, the original complainant would be entitled to withdraw an

amount of Rs. 1,75,000/-, as is averred in Sub-Clause (b) of para 2 of the terms of compromise.

5. The composition of an offence amounts to acquittal and hence, the revision applicant herein deserves to be acquitted of the offence punishable under Section 138 of the Negotiable Instruments Act, and is accordingly acquitted.

6. In the result, the Revision Application is allowed.

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

(B) Parties to the Application undertake to abide by the terms of compromise.

(C) The respondent no.1 is permitted to withdraw the amount deposited by the applicant, in this Court, as well as the amount deposited in the Court of Judicial Magistrate (F.C.), Bhusawal.

7. The Revision Application accordingly stands disposed of.

**( SMT. SADHANA S. JADHAV )**  
**JUDGE**

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