

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL REVISION APPLICATION NO. 7 OF 2015

Deepak Ramrao Patil .. Applicant

Versus

The Konkan Merchantile
Co-op. Bank Ltd. & Anr. .. Respondents

Mr. Anand S. Patil, Advocate for the applicant.
Mr. I.A. Jalgaonkar - Senior Manager of Respondent-Bank.
Mr. Ajay Patil, APP for the respondent-State.

CORAM:-M.L. TAHALIYANI,J.
DATED : -16/01/2015

P.C.

This criminal revision application arises out of the judgment and order passed by the Addl. Sessions Judge, dismissing the appeal filed by the applicant against the order of the Judicial Magistrate First Class of Kolhapur. The applicant has been convicted for the offence punishable u/s 138 of the Negotiable Instruments Act, and has been sentenced to suffer SI for three months and to pay a fine of Rs.5000/-.

2 In addition to the punishment, the applicant has also been directed to pay a compensation of Rs.60,000/- to the respondent No. 1 – Konkan Merchantile Bank Ltd. The applicant had filed appeal before the appellate Court, which has been dismissed. Hence the present revision application.

3 During the course of hearing of revision application, it was submitted by the learned counsel for the applicant that the applicant has paid the fine amount and that he has deposited Rs.30,000/-in the appellate court as part of the compensation amount. It is submitted that he has brought Account Payee cheque drawn in favour of respondent No.1-Bank in the sum of Rs.45,000/-. It is prayed that the applicant and respondent No. 1 may be permitted to compound the offence.

4 The representative of respondent No. 1 Mr. Iqbal Adam Jalgaonkar – Senior Manager, is present in the Court. He has accepted the post dated cheque of Rs.45,000/- and has

submitted that the offence may be compounded.

5 In view of the submissions made on behalf of the respondent No. 1, I pass the following Order:

 The offence punishable u/s 138 of the Negotiable Instruments Act, stands compounded. The orders passed by the appellate Court and the trial Court are set aside. The applicant is acquitted of the offence punishable u/s section 138 of the Negotiable Instruments Act. His bail bonds shall stand cancelled.

 The amount of Rs.30,000/-deposited by the applicant in appellate Court shall be paid to the representative of respondent No. 1.

 The application accordingly stands disposed of.

(JUDGE)

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