

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL REVISION APPLICATION NO. 205 OF 2014

Prakash Ramchandra Kulaye .. Applicant

Versus

The State of Maharashtra & Anr. .. Respondents

Mr. S.B. Chandan, Advocate for the applicant

Mr. V. B. Konde-Deshmukh, APP for the respondent-State.

Mr. Shivaji K. Farakate, Advocate for the respondent No. 2.

CORAM:-M.L. TAHALIYANI,J.

DATED : -13/01/2015

P.C.

Admit. Respondents waive service. By consent of the parties heard finally.

2 This is the revision application against the order of the appellate Court in Criminal Appeal No. 201 of 2011 decided on 2nd of November, 2012. The appeal was filed against the judgment and order of the Metropolitan Magistrate, 50th Court, Vikhroli, Mumbai. The applicant has been

convicted for the offence punishable u/s 138 of Negotiable Instruments Act. He has been sentenced to suffer SI for three months and to pay compensation of Rs.1,30,000/-to the respondent No. 2 Uday M. Chorge. The appeal filed by the applicant has been dismissed.

3 During the course of hearing of this application, it was submitted by the learned counsel for the applicant and the respondent No. 2 that they have decided to put an end to the proceedings by amicable settlement. The settlement has already been arrived at. The applicant has paid Rs.54,000/- to the respondent No. 2. He has deposited Rs.50,000/- in this Court and Rs.26,000/- in the appellate Court. As such he has so far paid Rs.1,30,000/-.

4 The learned counsel for the respondent No. 2 states that, if the respondent No. 2 is permitted to withdraw the amount of Rs.50,000/- deposited in this Court and Rs.26,000/- deposited in the appellate Court / sessions Court, the

respondent No. 2 is ready to compound the offence with the applicant. The applicant's counsel has no objection for the same.

5 The only difficulty is that the applicant has lost the receipt of Rs.26,000/- deposited in the appellate court / sessions court. That issue can be resolved by filing an affidavit in the sessions Court. The learned counsel for the applicant states on instructions from the applicant, that the applicant will take necessary steps to see that the amount is received by the respondent No. 2. In view thereof, I pass the following order;

 The offence stands compounded. The applicant is acquitted of the offence punishable u/s 138 of the Negotiable Instruments Act. The bail bonds shall stand cancelled.

 The amount of Rs.50,000/- deposited in this Court shall be paid to the respondent No. 2 – Uday M. Chorge. Similarly the amount of Rs.26,000/- deposited in the appellate Court / sessions Court shall be paid to the respondent No. 2.

The applicant shall cooperate and take necessary steps to see that the amount of Rs.26,000/- is paid to the respondent No. 2, despite the fact that the receipt is not traceable.

The application stands disposed of accordingly.

(JUDGE)

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