

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**CRI. REVISION APPLICATION NO. 127 OF 2014**

Mr. Sushil K. Parikh

... Applicant.

V/s.

The State of Maharashtra & Anr.

... Respondents.

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Ms. Mallika Ingale i/by Pravina J. Kanani, Advocate for the Applicant.

Smt. A.A.Mane, APP for the State.

Mr. Jatin P. Shah, Advocate for the Respondent No.2.

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**CORAM : M.L.TAHALIYANI,J.**

**DATE : 31<sup>st</sup> JULY, 2015**

**P.C. :**

1            Heard the learned counsel for the parties.

2            The applicant is facing trial for the offence punishable under section 138 Negotiable Instruments Act. He has been sentenced to suffer simple imprisonment for six months and to pay fine of Rs.5,10,000/-. It was directed by the trial court that the compensation of Rs. 5,00,000/- shall be given to the original complainant/respondent no.2- Ramesh R. Shah. The appeal filed by the applicant has been dismissed.

3            During the pendency of this revision application, the dispute is resolved amicably. The applicant has deposited

Rs.1,75,000/-in the trial court. He has also deposited Rs.2,00,000/- in this court. A pay order of Rs.1,25,000/- is given to the respondent no.2 by the applicant today in the open court. As such he has so far paid Rs.5,00,000/-. He was supposed to pay Rs. 5,10,000/-.

4 Since the matter is amicably resolved and the respondent no.2 has shown his willingness to compound the offence on payment of Rs.5,00,000/-, I pass the following order.

- i. The offence committed by the applicant stands compounded and the applicant has been acquitted for the offence punishable under section 138 of the Negotiable Instruments Act. His bail bond stands cancelled.
- ii. The amount of Rs.2,00,000/- deposited in this court by the applicant shall be paid to the respondent no.2 -Mr. Ramesh R.Shah.
- iii. Out of the amount of Rs.1,75,000/-, the amount of Rs. 1,65,000/- shall be paid to respondent no.2 by the trial court. The remaining amount of Rs.10,000/- be retained as fine amount.

iv. The applicant shall pay Rs.10,000/- by way of pay order or cash in the afternoon session today in this court itself.

v. The bail amount of the applicant shall be refunded to him by the trial Magistrate. It is further directed that if any interest is accrued on the amount deposited in the court by the applicant, the interest shall also be paid to the respondent no.2.

The revision application stands disposed of in the above terms

(JUDGE)

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