

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL REVISION APPLICATION NO.287 OF 2013**

Machindra Sakharam Mhatre

..Applicant.

versus

State of Maharashtra and another

..Respondents.

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Mr. S.J. Shelke for the Applicant.

Mr. H.J. Dedhia, Addl. P.P. for the State – Respondent No.1.

Mr. Vimlesh Singh for Respondent No.2.

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CORAM : A.S. GADKARI, J.**26th June, 2015.****P.C. :**

The learned counsel for the Applicant submits that the Applicant has compounded the offence under Section 138 of the Negotiable Instruments Act with the Respondent No.2 by entering into the Consent Terms dated 26th June, 2015. A copy of the Consent Terms dated 26th June, 2015 is taken on record and marked as 'X' for identification. The Applicant and the Respondent No.2 are present before this Court. The Respondent No.2 who is personally present in the Court submitted that out of the total amount of Rs.3,76,000/-, she has withdrawn the amount of Rs.3 lacs and the amount of Rs.76,000/- is to be received by her. She has stated that she has no objection to compound the offence.

2. In view of the statement of the Respondent No.2 that an amount of Rs.76,000/- is still to be received by her, the Trial Court i.e. the

Metropolitan Magistrate, 50th Court, Vikhroli, Mumbai is hereby directed to pay the balance amount of Rs.76,000/- to the Respondent No.2 within a period of one week from the date of receipt of an authenticate copy of this order. The Metropolitan Magistrate, 50th Court, Vikhroli, Mumbai or the staff from the registry of the said Court shall not insist on the certified copy of the order for releasing the said amount. It is needless to mention that the balance amount of Rs.76,000/- shall be released after verifying the identify of the Respondent No.2.

3. As the Applicant has compounded the offence with the Respondent No.2 by paying the entire amount of compensation, the conviction and sentence imposed upon the Applicant by the Metropolitan Magistrate, 50th Court, Vikhroli, Mumbai in C.C. NO.5206/SS/2009 is hereby quashed. Similarly, the order dated 3rd October, 2012 passed in Criminal Appeal No.120/2011 is also set aside. The present Revision Application is accordingly allowed in the aforesaid terms.

(A.S. Gadkari, J.)