

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL REVISION APPLICATION NO. 225 OF 2015
WITH
CRIMINAL REVISION APPLICATION NO. 226 OF 2015
AND
CRIMINAL REVISION APPLICATION NO. 229 OF 2015

Ritesh Khanna

.. Applicant

v/s.

Jayanti Khimji Nandu & Ors.

.. Respondents

Smt. Geetika Khanna wife of Ritesh Khanna present.
Mr. Jatin P. Shah, Advocate for the Respondent no.1.
Mrs. R.V. Newton, APP for the State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : OCTOBER 30, 2015.

P.C.

1. The applicant herein was the accused in C.C.Nos. 1311/SS/2007, 1312/SS/2007 and 1310/SS/2007. He was convicted for the offence under Section 138 of the Negotiable Instruments Act. The appeal filed against said judgment was dismissed by the Appellate Court vide order dated 31.3.2015. Aggrieved by the said order, the applicant accused has filed these revisions.

2. During the pendency of these revision applications, the applicant-accused and the respondent-complainant entered into settlement. They had filed their terms which were taken on record vide order dated 10.7.2015 as Exh.A colly. The complainant is present before the court along with his counsel Mr. Shah. The complainant has confirmed having received the entire amount as agreed in the consent terms and has stated that he has no objection if the offence is compounded. Under the circumstances, the offence is compounded.

3. The impugned orders dated 31.3.2015 are quashed and set aside. The applicant-accused is acquitted of the offence under Section 138 of Negotiable Instruments Act. His bail bonds stand cancelled.

4. In terms of the judgment of the Apex Court in Damodar Prabhu, the applicant-accused is liable to pay costs of 15% of the cheque amount to the Maharashtra Legal Service Authority. The wife of the applicant, who is present before the court submits that due to financial constraints she is unable to pay 15% of the cheque amount, and that

with great difficulty she has arranged to pay the money to the respondent no.1. Considering the financial position of the applicant, a lenient view is taken and the applicant is directed to pay cost of Rs.5000/- in each case (totalling to Rs.15,000/-) to the Maharashtra Legal Service Authority within the period of one month from the date of the order.

(ANUJA PRABHUDESSAI, J.)